

Appendix A-2
Supplemental Scoping Report

SUPPLEMENTAL SCOPING REPORT

Koi Nation of Northern California Shiloh Resort and Casino Project

Sonoma County, California

Lead Agency:

Bureau of Indian Affairs

Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

April 2024

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Attachments

- Attachment A Notice of Availability of EA and Distribution
- Attachment B Notice of Intent to Prepare EIS and Distribution
- Attachment C Scoping Comments

Section 1 | Introduction

1.1 PURPOSE OF SUPPLEMENTAL SCOPING REPORT

In compliance with the National Environmental Policy Act (NEPA; 42 USC § 4321 et seq), the Bureau of Indian Affairs (BIA), as Lead Agency, is in the process of assessing the potential environmental impacts that could result from the Koi Nation of Northern California’s (Koi Nation or Tribe) Shiloh Resort and Casino Project, which includes the acquisition by the BIA of a 68.6-acre property into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action) and subsequent development by the Tribe of a resort facility that includes a casino, hotel, ballroom/meeting space, event center, spa, and associated parking and infrastructure (Proposed Project).

As described in more detail below, the BIA initiated a scoping process in May 2022 to solicit input from the public and agencies regarding the scope for an Environmental Assessment (EA). In September 2022, the BIA released a Scoping Report that described the scoping process for the EA, explained the purpose and need for the Proposed Action, described the Proposed Project and alternatives, summarized the issues identified during the EA scoping process, and attached comments received during the scoping comment period. The 2022 Scoping Report was made available on the project website at <https://www.shilohresortenvironmental.com/>, and a notice of the availability of the report was sent to interested parties. In September 2023, the BIA published a Notice of Availability (NOA) for the EA (**Appendix A**) which initiated a 60-day public comment period. Upon consideration of the public and agency comments received on the EA, the BIA decided to prepare an Environmental Impact Statement (EIS) to further analyze the environmental effects which may result from the Proposed Action. Accordingly, the BIA published a Notice of Intent (NOI) in the Federal Register on March 8, 2024 (**Appendix B**) announcing intent to prepare an EIS and initiating an additional 30-day scoping period.

This Supplemental Scoping Report summarizes the issues identified during the supplemental scoping process for the EIS, which consisted of:

- The 60-day EA public comment period between September 12, 2023 and November 13, 2023, including verbal comments received during a virtual public hearing held on September 27, 2023; and
- The 30-day scoping comment period between March 8, 2024 and April 8, 2024 announced in the NOI.

Comments received during the supplemental scoping process are included in **Appendix C**. Comments received outside of these comment periods are not attached to this document but were reviewed and determined not to raise any additional new, substantive comments on the scope of the EIS beyond those received during the comment periods.

To the extent required by NEPA, the EIS will address the issues and concerns raised during the initial scoping process, summarized in the 2022 Scoping Report, as well as issues and concerns raised during the supplemental scoping process, summarized in this Supplemental Scoping Report.

1.2 SUMMARY OF PUBLIC INVOLVEMENT

1.2.1 Notice of Preparation of EA

Although not required by NEPA for the preparation of an EA, the BIA as Lead Agency elected to conduct a 30-day scoping comment period to solicit input from the public and agencies regarding the scope of the EA. A Notice of Preparation (NOP) describing the Proposed Project and announcing a 30-day scoping period was prepared and circulated for public and agency review on May 27, 2022. The NOP was published in The Press Democrat newspaper, posted on the project website, filed with the State Clearinghouse for distribution to State agencies, and sent to various federal and local agencies through direct mailings, including but not limited to Sonoma County and the Town of Windsor. The issues that were raised during this initial scoping period were summarized the September 2022 Scoping Report, which is available online at the project website: <https://www.shilohresortenvironmental.com/>.

1.2.2 Notice of Availability of EA

The NOA for the EA was submitted to the State Clearinghouse (SCH# 202205059), published in the local paper (The Press Democrat), mailed to interested parties, and posted on the project website (**Appendix A**). The EA was originally made available for public comment for a 45-day period, from September 12, 2023 to October 27, 2023. However, the BIA extended the public comment period for an additional 15-day period that concluded on November 13, 2023, resulting in a total comment period of 60 days. A virtual public hearing was held on September 27, 2023, that included an overview of the NEPA process, description of Proposed Action and Alternatives, summary of the contents of the EA, and an opportunity for the public to submit verbal comments on the EA. Comments received during the EA public comment period are included in **Appendix C**.

1.2.3 Notice of Intent to Prepare EIS

Although a formal public scoping process had been conducted and an EA circulated for the Proposed Action, the BIA published an NOI in the Federal Register on March 8, 2024, describing the Proposed Action and announcing intent to prepare an EIS. In addition to the Federal Register, the NOI was submitted to the State Clearinghouse (SCH# 202205059), published in the local paper (The Press Democrat), mailed to interested parties, and posted on the project website (**Appendix B**). The 30-day public comment period began on March 8, 2024, and ended on April 8, 2024. Comments received in response to the NOI are included in **Appendix C**.

Section 2 | Supplemental Alternatives

2.1 PREVIOUSLY RAISED ALTERNATIVES

The following alternatives were raised during the supplemental scoping process which were previously considered during scoping in 2022:

- An alternative site closer to the airport or along Airport Boulevard
- An alternative site in Sonoma County
- An alternative site on Shiloh Road, between 101 and Old Redwood Highway
- An alternative site in Lake County

Refer to the 2022 Scoping Report for a more detailed discussion of the alternatives listed above (<https://www.shilohresortenvironmental.com/>).

2.2 NEW ALTERNATIVES IDENTIFIED DURING SUPPLEMENTAL SCOPING

In addition to the alternatives described in the 2022 scoping report, the following alternatives were raised for consideration during the supplemental scoping process:

- Addition of on-site housing for employees.
- An alternative site north of Shiloh Road and west of US 101 for either the Proposed Project or a convention center in coordination with the Sonoma County Tourism Bureau

2.2.1 Addition of On-Site Housing for Employees

Under the alternatives considered, all areas would be utilized for the proposed development and supporting infrastructure, including effluent disposal, stormwater treatment and water/wastewater facilities. There are no remaining areas on the site large enough to support a residential component. Additionally, a housing component cannot be funded prior to the development of a commercial development to generate revenue for the Tribe. As such, this alternative has been eliminated from further consideration.

2.2.2 Alternative Site North of Shiloh Road and West of US 101

Development alternatives were screened based on five criteria: 1) extent to which they meet the purpose and need for the Proposed Action; 2) feasibility from a technical and economic standpoint; 3) feasibility from a regulatory standpoint (including ability to meet the requirements for establishing connections to newly acquired lands for the purposes of the “restored lands”); 4) ability to avoid or minimize environmental impacts; and 5) ability to contribute to a reasonable range of alternatives.

While an Assessor’s Parcel Number or address was not provided it is assumed that commenters are referring to properties located at 701 Shiloh Road (163-130-012) and 895 Shiloh Road (APN 163-130-033) which includes approximately 42 acres of pasture and undeveloped land. Development of this site is

severely constrained by biological and water resources. The Santa Rosa Plain Conservation Strategy identifies the site as one where development would be likely to adversely affect California tiger salamander, Sebastopol meadow foam, Sonoma sunshine and Burkes goldfields.¹ For this reason, the site would not avoid or minimize environmental impacts in comparison to the alternatives under consideration. Three creeks including Pool Creek, Faught Creek and Pruitt Creek flow through the site and include critical habitat for federally-listed salmonids.² Approximately 15 acres of the site is within the 100- and 500-year floodplain.³ The remaining 27 developable acres is less than what would be required to meet the purpose and need and be economically feasible.

The Tribe does not own, nor does it have an option to own, the referenced property. The Tribe has submitted substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites that ended with the purchase of the Project Site. Consideration of a highly speculative circumstance under which the Tribe would be able to purchase an alternative site that could be developed to fund the tribal government would not aid in expanding the range of alternatives in a manner that promotes informed decision-making. Consideration of such an alternative would speculate that the Tribe would be able to purchase said site, and that the financial benefits of developing such a site would accomplish the purpose and need for the Proposed Action. Therefore, consideration of an alternative site was rejected from full analysis as it would not meet the definition of a reasonable alternative that is feasible from an economic and technical standpoint, and thus would not accomplish the purpose and need for the Proposed Action.

¹ USFWS, 2005. Santa Rosa Plain Conservation Strategy: Figures 1 through 5. Available online at: <https://www.fws.gov/sites/default/files/documents/2-Figures-1-to-5-Santa-Rosa-Plain-508.pdf>. Accessed April 2024.

² NMFS, 2024. National NMFS ESA Critical Habitat Mapper. Available online at: <https://www.fisheries.noaa.gov/resource/map/national-esa-critical-habitat-mapper>. Accessed April 2024.

³ FEMA, 2008. Flood Insurance Rate Map 06097C0568E. Effective Date December 2, 2008.

Section 3 | Issues Identified During Supplemental Scoping

The following relevant issues, information, and/or analyses topics were raised during the supplemental scoping process:

- Geology and Soils
 - o earthquake and liquefaction risks to those located at the casino (e.g., patrons, employees, vendors) and to the surrounding neighborhood
- Water Resources
 - o impacts to nearby off-site wells, including Town of Windsor wells at Esposti Park and north of the Project Site
 - o cumulative effects to existing wells from groundwater pumping at the project site and pumping of Town's groundwater wells
 - o impacts to groundwater dependent ecosystems
 - o well design recommendations to minimize impacts in the shallow aquifer
 - o coordination and consultation with the Santa Rosa Plain Groundwater Sustainability Agency
 - o regulations that would govern the proposed wastewater treatment plant and effluent disposal
 - o surface and groundwater quality
 - o groundwater availability during normal and drought conditions
 - o stormwater drainage capacity and flooding risks, including under climate change conditions
 - o recycled water use, storage needs, and associated permit
 - o effectiveness of the proposed groundwater impact mitigation measures, including monitoring and compensation
 - o drinking water system regulatory requirements
- Air Quality
 - o modeling of project-related emissions during construction and operation
 - o project-related greenhouse gas emissions and associated climate change effects
 - o effects of climate change on wildfire risk, water demand, and water availability
 - o greenhouse gas emissions associated with vehicle miles traveled
 - o considering climate adaptation strategies to address extreme heat in planning and design, including energy efficiency measures and cooling features
 - o effects on sensitive receptors adjacent to the roadways that will experience increased traffic in the vicinity of the Project Site
 - o public health concerns related to air pollution on the nearby neighborhoods from increased particulate matter, toxic air contaminants, carbon dioxide, nitrogen oxides and other foreseeable air pollutants
 - o potential cumulative health impacts from Project emissions, vehicle emissions from roadways and freeways and other industrial uses in the vicinity
- Biological Resources
 - o impacts to special-status species likely to occur in the area

- impacts to Pruitt Creek as a riparian and wildlife corridor
- status of Section 7 Endangered Species Act consultation
- Clean Water Act Section 404 permitting requirements associated with potential waters of the U.S.
- Cultural and Paleontological Resources
 - tribal Cultural Resources and traditional homelands
 - consultation with Native American Tribes
 - inadvertent discoveries of Native American human remains
- Socioeconomics and Environmental Justice
 - potential for reduction in property values
 - current workforce shortages, including articles from the Press Democrat
 - current housing shortage and homelessness
 - gambling addiction
 - safety risks from criminal activity associated with increased visitors
 - effects on existing tribal governments and tribal casinos
 - effects on the local economy, including local businesses
 - effects on minority communities
 - effects on existing and planned low-income communities
 - information from the Dry Creek Band regarding financial hardships
- Transportation
 - impacts of Project traffic on local roadways and neighborhoods
 - impacts to bicyclists and pedestrians
 - adequacy of Project parking, potential for off-site parking impacts
 - potential for increases in driving under the influence (DUI) incidents
 - impacts on California Highway Patrol
 - impacts from construction traffic
 - fair share percentages for proposed improvements
- Land Use
 - consistency with the Town of Windsor General Plan, the Sonoma County General Plan, Sonoma County zoning regulations, and the Shiloh Road Village Vision Plan
 - consistency with surrounding land uses including, but not limited to, housing, mobile home parks, Shiloh Neighborhood Church and associated Gamblers Anonymous, Esposti Park, Shiloh Regional Park, elementary schools within two miles of the Project Site, and the Windsor/Larkfield/Santa Rosa Community Separator
 - conversion of agricultural land and open space
- Public Services
 - response times, staffing, and equipment needs associated with public safety services, including fire, police, and medical response
 - emergency evacuations
 - potential for increases in crime in surrounding neighborhoods and parks, including increasing prostitution, sex trafficking, drunk driving, underage drinking, violent crimes, theft, and vandalism. News articles of crimes reported at the Graton Casino were provided.
 - power outages
 - potential to impact to facilities associated with Pacific Gas and Electric, internet, and television.

- increase demand for Sonoma County Indian Health Services from Koi Nation tribal members moving to Sonoma County
- solid waste reduction goals and policies
- solid waste generation and landfill capacity
- Noise
 - impacts to surrounding community related to noise generated during construction and operation including noise from temporary sources on nearby roadways (i.e. car acceleration at traffic stops and signals, sirens, car music, accidents, engine backfires) and parking garage
 - changes in ambient noise since original noise study
 - effectiveness of noise mitigation measures to reduce impacts, such as installing double-panel windows
- Hazards and Hazardous Materials
 - Wildfire:
 - Effect on evacuation procedure and timelines
 - Effectiveness of wildfire mitigation plan
 - potential for the development of the Project Site to increase wildfire risks during construction and operation, particularly due to loss of vineyards as a firebreak
 - a link to information regarding the California fire season on the Western Fire Chiefs Association website was provided
 - links to videos of the 2017 Tubbs Fire were provided
 - location of site in high wildfire risk area
 - hazardous emissions and hazardous materials storage and use during construction and operation phases
- Aesthetics
 - change to the visual appearance of the area from the Proposed Project's conversion of vineyards/open space for residents and tourists
 - visual appearance of the proposed development alternatives at night
 - impacts to scenic vistas and scenic corridors
 - increased light pollution and effects to views of the nighttime sky
 - analyses, including third party visual simulations generated independently by commenters
- Cumulative
 - identification of reasonably foreseeable future projects in the vicinity of the Project Site and significance of potential cumulative impacts associated with these projects
- Mitigation Measures
 - enforceability of mitigation measures
 - stringency and reliability of mitigation measures
 - definition of "good faith efforts" for public service mitigation measures for police and fire protection services
 - environmental impacts from implementation of the mitigation measures, including the installation and equipping of an onsite fire station
- Procedural and Non-NEPA Issues
 - expressions of general support or opposition to the Proposed Project
 - whether the Tribe has a "significant historical connection" to the Proposed Project Site
 - purpose and need of the Proposed Action
 - enforceability of best management practices (BMPs)

- compliance with State laws and regulations (e.g., California Endangered Species Act, California Fish and Game Code Section 1600)

Appendices

Appendix A

Notice of Availability of EA and Distribution

NOTICE OF AVAILABILITY
ENVIRONMENTAL ASSESSMENT
AND DRAFT CONFORMITY DETERMINATION
FOR THE KOI NATION OF NORTHERN CALIFORNIA
SHILOH RESORT AND CASINO PROJECT

Notice is hereby given that the Bureau of Indian Affairs (BIA), Department of the Interior has released an Environmental Assessment (EA) dated September 2023 for the Koi Nation of Northern California Shiloh Resort and Casino Project. The EA has been prepared pursuant to the requirements of the National Environmental Policy Act (NEPA; 42 United States Code [USC] §4321 et seq.), the Council on Environmental Quality Guidelines for Implementing NEPA (40 CFR Parts 1500-1508), and the BIA NEPA guidebook (59 Indian Affairs Manual 3-H) and assesses the environmental impacts that could result from the acquisition by the BIA of a 68.6-acre property (Project Site) into federal trust status for the benefit of the Tribe for gaming purposes (Proposed Action), and the subsequent development of a resort facility that includes a casino, hotel, ballroom/meeting space, event center, spa, and associated parking and infrastructure (Proposed Project). Additionally, in accordance with Section 176 of the Clean Air Act 42 U.S.C. 7506, and the U.S. Environmental Protection Agency's (EPA) general conformity regulations 40 C.F.R. Part 93, Subpart B, a Draft Conformity Determination (DCD) has been prepared for the Proposed Project. The DCD is contained within Appendix F-2 of the EA.

The Project Site is located outside of, but contiguous to, the Town of Windsor, and approximately 12 miles from the Koi Nation's tribal headquarters in Santa Rosa, California. The Project Site is bordered by Shiloh Road and residential parcels to the north, Old Redwood Highway and residential parcels to the west, and agricultural and commercial parcels in unincorporated Sonoma County to the south and east. Existing land uses on the Project Site consist of a residence and operating vineyard; Pruitt Creek bisects the central portion of the site.

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151, and the principal goal of IGRA as articulated in 25 USC § 2701. Based on the analysis and impacts discussed in the EA and comments received during the public review period, the BIA will decide whether to reach a Finding of No Significant Impact, direct further work on the EA, or initiate the preparation of an Environmental Impact Statement.

The public comment period for the EA and DCD will be open for 45 days, beginning on September 12, 2023 and ending on October 27, 2023. An online virtual public meeting is scheduled for September 27, 2023 from 6:00 p.m. until the final comment is heard. Instructions for participation in the public hearing are available online at <https://www.shilohresortenvironmental.com/>.

For additional information, please contact Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Region, at (916) 978-6165 or by email at chad.broussard@bia.gov. Written comments should be emailed to chad.broussard@bia.gov or mailed to the following address:

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Copies of the EA are available for public review on the internet at <https://www.shilohresortenvironmental.com/> or at the Windsor Regional Library located at 9291 Old Redwood Hwy #100, Windsor, CA 95492, telephone (707) 838-1020.

Koi Nation of Northern California Shiloh Resort and Casino Project

Summary

SCH Number

2022050599

Lead Agency

United States Department of the Interior

Document Title

Koi Nation of Northern California Shiloh Resort and Casino Project

Document Type

EA - Environmental Assessment

Received

9/12/2023

Present Land Use

Land Intensive Agriculture and Limited Commercial

Document Description

The Proposed Action is the acquisition of approximately 68.6-acres of fee land in unincorporated Sonoma County in trust by the United States upon which the Koi Nation would construct a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure (Proposed Project). Water supply to serve the project is proposed through the use of on-site wells, and wastewater would be treated via a proposed on-site tertiary wastewater treatment plant (WWTP).

Contact Information

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Department of Interior, Bureau of Indian Affairs

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Location

Coordinates

38°31'26"N 112°46'25"W

Cities

Windsor

Counties

Sonoma

Regions

Countywide, San Francisco Bay Area, Unincorporated

Cross Streets

Old Redwood Highway and Shiloh Road

Zip

95403

Total Acres

68.6

Jobs

1571

Parcel #

059-300-003

State Highways

101

Airports

Sonoma County Airport

Waterways

Pruitt Creek

Township

8N

Range

8W

Section

18

Base

MtDiablo

Notice of Completion

State Review Period Start

9/12/2023

State Review Period End

10/27/2023

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Justice, Attorney General's Office, California Department of Parks and Recreation, California Department of Transportation, Division of Aeronautics (DOT), California Department of Transportation, Division of Transportation Planning (DOT), California Department of Water Resources (DWR), California Governor's Office of Emergency Services (OES), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, North Coast Region 1 (RWQCB), Department of General Services (DGS), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 18, State Water Resources Control Board, Division of Water Rights, California Highway Patrol (CHP), California Department of Transportation, District 4 (DOT), California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)

State Reviewing Agency Comments

California Highway Patrol (CHP), California Department of Transportation, District 4 (DOT), California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW)

Development Types

Recreational (Resort and Casino Facility)

Local Actions

None - Fee-to-Trust Acquisition by BIA

Project Issues

Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Economics/Jobs, Energy, Fiscal Impacts, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Septic System, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire

Local Review Period Start

9/12/2023

Local Review Period End

10/27/2023

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Appendix A - Off-Reservation Environmental Impact Analysis Checklist **PDF** **556 K**

Appendix B - Socioeconomic Information **PDF** **2958 K**

Appendix C - Water and Wastewater Feasibility Study **PDF** **13599 K**

Appendix D - Grading and Hydrology Study **PDF** **34841 K**

Appendix E - Expanded Regulatory Setting **PDF** **1058 K**

Appendix F - Air Quality Information **PDF** **5927 K**

Appendix G - Biological Reports **PDF** **19226 K**

Appendix H - Confidential Cultural Resources Information **PDF** **86 K**

Appendix I - Traffic Impact Study **PDF** **6449 K**

Appendix J - FAA Notice of Proposed Construction or Alteration **PDF** **105 K**

Appendix K - Farmland Conversion Impact Rating Form **PDF** **200 K**

Appendix L - Noise and Vibration Assessment **PDF** **7723 K**

Appendix M - Phase I Environmental Site Assessment **PDF** **3674 K**

Appendix N - Wildfire Evacuation Memorandum **PDF** **26899 K**

Appendix O - Sonoma Fire District Letter of Intent **PDF** **1364 K**

Koi Nation Shiloh Resort and Casino EA_Sept 2023 **PDF** **16163 K**

NOA_EA Koi Nation Shiloh Resort and Casino_Sept 2023 **PDF** **74 K**

Notice of Completion [NOC] Transmittal form

EA NOC for SCH **PDF** **282 K**

State Comment Letters [Comments from state reviewing agencies]

2022050599_CDFW Comment **PDF** **549 K**

2022050599_CHP comment **PDF** **88 K**

2022050599_DOT comment **PDF** **336 K**

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PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

I am a citizen of the United States and a resident of the county aforesaid: I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of The Press Democrat, a newspaper of general circulation, printed and published DAILY IN THE City of Santa Rosa, County of Sonoma; and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sonoma, State of California, under the date of November 29, 1951, Case number 34831, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates to wit:

The Press Democrat - Legal Notices

9/12 - 9/12/2023

I certify (or declare) under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated at Santa Rosa, California, on

Sep 12, 2023

SIGNATURE

Proof of Publication of

NOTICE OF AVAILABILITY
ENVIRONMENTAL ASSESSMENT
AND DRAFT CONFORMITY DETERMINATION
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The Project Site is located outside of, but contiguous to, the Town of Windsor, and approximately 12 miles from the Koi Nation's tribal headquarters in Santa Rosa, California. The Project Site is bordered by Shiloh Road and residential parcels to the north, Old Redwood Highway and residential parcels to the west, and agricultural and commercial parcels in unincorporated Sonoma County to the south and east. Existing land uses on the Project Site consist of a residence and operating vineyard; Pruitt Creek bisects the central portion of the site.

The purpose of the Proposed Action is to facilitate tribal self-sufficiency, self-determination, and economic development, thus satisfying both the Department of the Interior's (Department) land acquisition policy as articulated in the Department's trust land regulations at 25 CFR Part 151, and the principal goal of IGRA as articulated in 25 USC § 2701. Based on the analysis and impacts discussed in the EA and comments received during the public review period, the BIA will decide whether to reach a Finding of No Significant Impact, direct further work on the EA, or initiate the preparation of an Environmental Impact Statement.

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179074 - Pub Sept 12, 2023

16.

Shiloh Resort and Casino Project
NOA Mailing List

First Name	Last Name	Title	Affiliation	Delivery Confirmed
Agencies				
			Sonoma County Board of Supervisors Department	9/12/2023
			California Air Resources Board	9/12/2023
			California EPA	
			EPA Region 9 (Pacific Southwest)	9/12/2023
			Northern Sonoma County Air Pollution Control District	
			Permit Sonoma Director	9/12/2023
Patrick	Streeter	Community Development Director	Windsor Planning Division	9/12/2023
			Windsor Town Council	9/12/2023
Michael	Thompson	Representative	Congress of the United States, House of Representatives	
Jared	Huffman	Representative	Congress of the United States, House of Representatives	
			California Gambling Control Comission	9/12/2023
Pricilla	Fuentes-Torres	Cultural Resources Analyst	NAHC	9/12/2023
Mark	Leong	District Branch Manager	Caltrans	9/12/2023
Mark	Leong	District Branch Manager	Caltrans	
Erin	Chappell	Regional Manager	California Department of Fish and Wildlife	9/12/2023
Jon	Davis	Town Manager	Town of Windsor	9/12/2023
Alex	Padilla	US Senators	US Senate	9/12/2023
Dianne	Feinstein	US Senator	US Senate	
John	Sawyer	Council Member	Santa Rosa District 2	9/12/2023
Tom	Schwedhelm	Council Member	Santa Rosa District 6	9/12/2023
Fiona	Ma	California State Treasurer	California State	9/12/2023
Tribes				
Margie	Mejia	Tribal Chairperson	Lytton Rancheria	9/12/2023
Danny	Ocampo	Tribal Secretary	Lytton Rancheria	9/12/2023
Greg	Sarris	Tribal Chairman	Graton Rancheria	9/12/2023

**Shiloh Resort and Casino Project
NOA Mailing List**

Reno	Keoni Franklin	Tribal Chairman	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	9/12/2023
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	9/12/2023
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council	9/12/2023
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council	
Bill	Lance	Tribal Chairman	Chickasaw Nation	
Patricia	Hermosillo	Tribal Chairperson	Cloverdale Rancheria	9/12/2023
Octavio	Escobedo III	Tribal Chairman	Tejon Indian Tribe	9/12/2023
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village	9/12/2023
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village	
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria	9/12/2023
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria	
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation	
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation	
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria	9/12/2023
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria	
Darin	Beltran		Koi Nation of Northern California	

Organizations

Nina	Cote	Steering Committee Chair	Our Community Matters	
Josh	Ratiani	Pastor	Shiloh Neighborhood Church	
Padi	Selwyn	Co-Chair	Preserve Rural Sonoma County	
Jay	Bradshaw	Executive Officer	Nor Cal Carpenters Union	
Cheryl	Schmit	N/A	Stand Up for California	
Mobile Home Estates			Mobile Home Estates	

Individuals

Daniel and Camill: Heidenreich		N/A	N/A	
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Shiloh Resort and Casino Project
NOA Mailing List

Meredith	Strom	N/A	N/A
Sean	Harrell	N/A	N/A
Betsy	Mallace	N/A	N/A
Anne	Keck	N/A	Keck Law Offices
Aaron	Ziskin	N/A	N/A
Mark	Catelani	N/A	N/A
Brenda	Catelani	N/A	N/A
Georgianne	Boissier	N/A	N/A
Anthony	Sarto	N/A	N/A
Joan	Chance	N/A	N/A
Abby	Fletcher	N/A	N/A
Lance	Cottrell	N/A	N/A
Cameron	Barfield	N/A	N/A
Lynn	Darst	N/A	N/A
Cory	Thomas	N/A	N/A
Kristine	Hannigan	N/A	N/A
Lynda	Williams	N/A	N/A
James	Fletcher	N/A	N/A
Michael	Donovan	N/A	N/A
Rachel	Jackson	N/A	N/A
Bethany	Sullivan	Attorney at Law	Maier Pfeffer Kim Geary & Cohen LLP
Josh	Ratiani	Pastor	Shiloh Neighborhood Church
Virginia	Gillen	N/A	N/A
James	Gilbert	N/A	N/A
Kathy	Parnay	N/A	N/A
Carrie	Marvin	N/A	N/A
Tom	Thornsley	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Suzanne	Malay	N/A	N/A
Brian	Moe	N/A	N/A
Letitia	Caruso	N/A	N/A
Eddie	Flayer	N/A	N/A
Mary	Hess	N/A	N/A
Amy	Hoover	N/A	N/A
Charles	Williams	N/A	N/A
Debra	Avanche	N/A	N/A
Gregory	Heath	N/A	N/A
Deborah	Curle	N/A	N/A
Diane	Baines	N/A	N/A
Jill	Plamann	N/A	N/A
Lorenzo	Freschet	N/A	N/A
Regan	Arndt	N/A	N/A
Elizabeth	Acosta	N/A	N/A
Jonathan	Marvin	N/A	N/A
Tim	Ryan	N/A	N/A
Steven	Karp	N/A	N/A
Marie	Salerno	N/A	N/A
Patty	Grimm	N/A	N/A
Robert	Brink	N/A	N/A
Michael	Higgins	N/A	N/A
Joyce	Ulrich	N/A	N/A
Gary	Velasquez	N/A	N/A
Pamela	Geiss	N/A	N/A
Elizabeth	Pulcheon	N/A	N/A
Janet	Marsten	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Christine	Daniels	N/A	N/A
Judith and John	Coppedge	N/A	N/A
Martha	Clark	N/A	N/A
Julie	Neff	N/A	N/A
Josh	Hammer	N/A	N/A
Mike	Carlson	N/A	N/A
Dwight	Haldan	N/A	N/A
Eva	Ingrum	N/A	N/A
Louise	Calderon	N/A	N/A
Morgan	Marchbanks	N/A	N/A
Clarence and Belv	Mitchell	N/A	N/A
Rick	Fuchs	N/A	N/A
Mary	Stuart	N/A	N/A
Jane	Robinson	N/A	N/A
Chris	Handel	N/A	N/A
W.K	Bedsole	N/A	N/A
Byron	Calos	N/A	N/A
Therese	Menzel	N/A	N/A
Kari	Kincheloe	N/A	N/A
Marilyn	Volpert	N/A	N/A
Gabriel	Greene	N/A	N/A
Barb	Cottrell	N/A	N/A
Barbara	Reed	N/A	N/A
Kayla	Anderson	N/A	N/A
Carol	Rash	N/A	N/A
Tisha	Zolnowsky	N/A	N/A
Karen	Burkett	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Larry	Lapides	N/A	N/A
Claudia	Abend	N/A	N/A
Walter	Bruszewski	N/A	N/A
Judy	Witwicki	N/A	N/A
Victoria	Osten	N/A	N/A
Sandra	Oakes-Arriola	N/A	N/A
Sandy	Chapman	N/A	N/A
Vincent	Stockette	N/A	N/A
Bonnie	Farrow	N/A	N/A
C	Belden	N/A	N/A
Paul	Browning		
Melissa	Airoldi	N/A	N/A
John	Baird	N/A	N/A
Nancy and Lon	Thomas	N/A	N/A
Robert	Eberling	N/A	N/A
Geoff	Coleman	N/A	N/A
Michael	Cote	N/A	N/A
Susan	Pulcheon	N/A	N/A
Eric	Lucas	N/A	N/A
Diana	Borges	N/A	N/A
Richard	Addison	N/A	N/A
Katherine	Schram	N/A	N/A
Pam	Bruszewski	N/A	N/A
Rachel	Verdugo	N/A	N/A
Nina	Cote	N/A	N/A
Mary	Lopez	N/A	N/A
Dinah and James	Costello	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Sue	Frey	N/A	N/A
James and Linda	Selby	N/A	N/A
Marie	Fanelli	N/A	N/A
Ron and Carrie	Myers	N/A	N/A
Bob and Nancy	Jenkins	N/A	N/A
Don and Denise	Ziskin	N/A	N/A
Diane and Walter	Winsby	N/A	N/A
Josephine	Hamilton	N/A	N/A
Jennifer and Jaimi	Lopez	N/A	N/A
Anya	Piazza-Lyons	N/A	N/A
John	Bocci	N/A	N/A
Paige	Mazzoni	N/A	N/A
Heidi	Jacquin	N/A	N/A
Ramona	Turner	N/A	N/A
Mark	Kimmel	N/A	N/A
Peg	Champion	N/A	N/A
Cecilia	Domenichelli	N/A	N/A
Lynette	McGee	N/A	N/A
Justina	Sessions	N/A	N/A
Betty	Winholtz	N/A	N/A
Scott and Kathlee	Huhn	N/A	N/A
Matthew	Maring	N/A	N/A
Linda and Richard	Leao	N/A	N/A
Tim	Madura	N/A	N/A
Fran	Soiland	N/A	N/A
William	Ardizoia	N/A	N/A
Suzanne	Malay	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Kathleen	Duffy	N/A	N/A
Joseph	Syufy	N/A	N/A
Kenneth	Pietrelli	N/A	N/A
Patrick	Munsch	N/A	N/A
Jim	Boissier	N/A	N/A
Brian	Siewert	N/A	N/A
Janice	Sexton	N/A	N/A
Hollis	Stavn	N/A	N/A
Therese	Mrozek	N/A	N/A
Doug	Knight	N/A	N/A
Scott	Gibson	N/A	N/A
Kacy	DeHaven	N/A	N/A
Alan	Phillis	N/A	N/A
Dahdri	McCormick	N/A	N/A
Cliff	Whittemore	N/A	N/A
Spencer	Pahlke	N/A	N/A
Tom	Beckman	N/A	N/A
Shannon	Schiller	N/A	N/A
Mary-Frances	Makichen	N/A	N/A
Richard	Boyd	N/A	N/A
Sidnee	Cox	N/A	N/A
Harold	Minkin	N/A	N/A
Michael and Kath	Mayer	N/A	N/A
Christy	Delucchi	N/A	N/A
Laurie	Landry	N/A	N/A
Steve	Plamann	N/A	N/A
Dana	Murphy	N/A	N/A
Lynn	Caruso	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Carlyn	Knight	N/A	N/A
Mary	Euphrat	N/A	N/A
Carl	Euphrat	N/A	N/A
Graham	Rutherford	N/A	N/A
Gino	Rantissi	N/A	N/A
Amy	Ramsey	N/A	N/A
Claudia	Volpi	N/A	N/A
Matt	Gustafson	N/A	N/A
MaryAnn	Bainbridge-Krause	N/A	N/A
Paul	Godowski	N/A	N/A
Amy	Banfill	N/A	N/A
Greg	Banfill	N/A	N/A
Rosa	Reynoza	N/A	N/A
Robin	Jaskela	N/A	N/A
Debra	Lopeman	N/A	N/A
Michele	Kipp	N/A	N/A
Joan	Gibson	N/A	N/A
Ronald	Calloway	N/A	N/A
Mary	McCarty	N/A	N/A
Richard	Abend	N/A	N/A
Michael	Moran	N/A	N/A
Don and Terri	Jensen	N/A	N/A
Kurt	Shaver	N/A	N/A
David and Sandra	George	N/A	N/A
Brian	Williams	N/A	N/A
Unknown		N/A	N/A
Rochell	Letasi	N/A	N/A
A.P	Marsten	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Danelle and Maric	Rosati	N/A	N/A
Hahna	Kaiser	N/A	N/A
Rachel	Shadburne	N/A	N/A
Catherine	Ernst	N/A	N/A
Robert	Cobb	N/A	N/A
Perry	Austin	N/A	N/A
Marc	Chandler	N/A	N/A
David	Sussman	N/A	N/A
Robert	Janes	N/A	N/A
Pam	Janes	N/A	N/A
Dylan	Whittemore	N/A	N/A
Marquel	Abend	N/A	N/A
David	Jacquin	N/A	N/A
Cathleen	Kistler	N/A	N/A
Cathleen	Belden	N/A	N/A
Ben	Miller	N/A	Kadesh & Associates
Heidi	Michels	N/A	N/A
Carol	Bloom	N/A	N/A
Simon	Gertler	Associate Attorney	Maier Pfeffer Kim Geary & Cohen, LLP
Jason	Brend	N/A	N/A
Alan	Flora	N/A	City of Clearlake
Angelo	Aspillaga	Sales Consultant	Marin County Ford
Tsoai	Gordley	Finanace Manager	Marin County Ford
Mitch	Patin	President	Patin Vineyard Management Inc
Heidi	Burke	N/A	N/A
Karen	Alves	N/A	N/A
Ace	Chon	N/A	N/A
Bing	Mak	N/A	N/A

Shiloh Resort and Casino Project

NOA Mailing List

Gail	Melendez	N/A	N/A
Julie	Lin	N/A	N/A
Lawrence	Kitagawa	N/A	N/A
Angelica	Beltran	N/A	N/A
Archie	Velasquez	N/A	N/A
Christopher	Lin	N/A	N/A
Connie	Jouganatos	N/A	N/A
Elisa	Marty	N/A	N/A
Frank	Wong	N/A	N/A
Fredrica	Green	N/A	N/A
Gino	Ghilotti	Project Manager	Ghilotti Bros Inc
Gino	Ramos	N/A	N/A
Grady	Kimball	Operations Manager	Ghilotti Bros Inc
Jason	Poon	N/A	N/A
Jay	Barrington	Manager of Business Development	Ghilotti Bros Inc
Joel	Vasques	N/A	N/A
John	Sugrue	N/A	N/A
JR	Ramirez	Senior Field Manager	Ghilotti Bros Inc
Julie	Amolacion	N/A	N/A
Lance	Bushnell	VP of Estimating	Ghilotti Bros Inc
Maria	Chaves	N/A	N/A
Miguel	Erazo	N/A	N/A
Mike	Ghilotti	President	Ghilotti Bros Inc
Pearlie	Mendiola	N/A	N/A
Peter	Coyote	Reverend	N/A
Pressy	Carlos	N/A	N/A
Raymond	Ng	N/A	N/A
Rodolfo	Amolacion	N/A	N/A
Roy	Nicdao	N/A	N/A
Scott	Silvestri	VP of Private Work	Ghilotti Bros Inc
Steve	Ly	N/A	N/A
Theresa	Santiago	N/A	N/A

Shiloh Resort and Casino Project
NOA Mailing List

Thomas	Barr	Chief Operating Officer	Ghilotti Bros Inc
Victoria		N/A	N/A
Zack	Liu	N/A	N/A
Arlene	Noriega	N/A	N/A
Cynthia	Gallardo	N/A	N/A
Ervan	Martinez	N/A	N/A
John	Rodriguez	N/A	N/A
Kenneth	Nelson	N/A	N/A
Leah	Sautelet	N/A	N/A
Novella	Ellis	N/A	N/A
Robert	Young	N/A	N/A
Olivia	Leong	N/A	N/A
Rosemary	Rivieccio	N/A	N/A
Susan	Eng	N/A	N/A
Susan	Feliciano	N/A	N/A
Vincent	Han	N/A	N/A
Yvette	Carillo	N/A	N/A
Alex	Gonzalez	N/A	N/A
Evelyn	Aejo	N/A	N/A
Serina	Jackson	N/A	N/A
Paul	Chan	N/A	N/A
Appleton	Chung	N/A	N/A
Axel	Huang	N/A	N/A
Cayetana	Bujor	N/A	N/A
Daniel	Dickinson	N/A	N/A
Edmund	Lai	N/A	N/A
Lei	Keqiang	N/A	N/A
Prince	Tenoso	N/A	N/A
Tonecia	Harvey	N/A	N/A
Elizabeth	Nix	N/A	N/A
Raymond	Trinidad	N/A	N/A
Rebecca	Maranda	N/A	N/A

Shiloh Resort and Casino Project

NOA Mailing List

Ada		N/A	N/A
Donna	Fong	N/A	N/A
Beth	Crist	N/A	N/A
Brian	Meadows	N/A	N/A
Christina	Luna	N/A	N/A
Don	Green	N/A	N/A
Jesenia	Licea	N/A	N/A
Kathy		N/A	N/A
Lisa	Moody	N/A	N/A
Lorena	Licea	N/A	N/A
Mari	Sweeting	N/A	N/A
Marilyn	Soldavini	N/A	N/A
Michelle	Anderson	N/A	N/A
Rafael	Licea	N/A	N/A
Robert	Ransom	N/A	N/A
Sharon	Williams	N/A	N/A
Thomas	Nguyen	N/A	N/A
Ericka	Zolnowsky	N/A	N/A
Elaine	Balch	N/A	N/A
Lillian	Fonseca	N/A	N/A
Jacques	Carter	President	Windsor Neighborhood Coalition
June	Otto	N/A	N/A
Kathy	Munoz	N/A	N/A
Pat and Bonnie	Riley	N/A	N/A
Richard	Schram	N/A	N/A
Rita	Nickles	N/A	N/A
Sally Mac Meekin Smith		N/A	N/A
Melissa	Cox	N/A	N/A
Richard and Chris Ortiz		N/A	N/A
Cat	Bellinger	N/A	N/A
Cheryl	Boden	N/A	N/A

Shiloh Resort and Casino Project

NOA Mailing List

Jodie	Mocciaro	N/A	N/A
Susan	Bjork	N/A	N/A
Marsha	Herman	N/A	N/A
Monica	Robledo	N/A	N/A
Rebecca	Escarcega	N/A	N/A
Tanya	Valentine	N/A	N/A
Tiffany	Moore	N/A	N/A
Becky	VerMeer	N/A	N/A
Diane	Green	N/A	N/A
Helen	Smith	N/A	N/A
Jan	Becker	N/A	N/A
Jeff	Pfeiffer	N/A	N/A
Jill	Palmer	N/A	N/A
Michele	Fortner	N/A	N/A
Susan	Levi	N/A	N/A
Jon	Bernal	N/A	N/A
Karen and Joe	Garattii	N/A	N/A
Robert	Zimmerman	N/A	N/A
Lenette	LaForge	N/A	The Lucero Group Real Estate Services
John	Broughton	N/A	N/A
Albert	Hill	N/A	N/A
Pammy	Haynes	N/A	N/A

**NOTICE OF COMMENT PERIOD EXTENSION FOR
ENVIRONMENTAL ASSESSMENT
FOR THE KOI NATION OF NORTHERN CALIFORNIA
SHILOH RESORT AND CASINO PROJECT**

On September 12, 2023, the Bureau of Indian Affairs (BIA), Department of the Interior, published a Notice of Availability for the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, which announced a 45-day public comment period ending on October 27, 2023. Notice is hereby given that the BIA is announcing a 15-day extension of the original comment period, providing a total of 60 days to submit comments on the EA. The new deadline for comments on the EA is Monday, November 13, 2023.

For additional information, please contact Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Region, at (916) 978-6165 or by email at chad.broussard@bia.gov. Written comments should be emailed to chad.broussard@bia.gov or mailed to the following address:

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

The EA is available for public review on the internet at <https://www.shilohresortenvironmental.com/> or at the Windsor Regional Library located at 9291 Old Redwood Hwy #100, Windsor, CA 95492, telephone (707) 838-1020.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

STATE OF CALIFORNIA

County of Sonoma

I am a citizen of the United States and a resident of the county aforesaid: I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer of The Press Democrat, a newspaper of general circulation, printed and published DAILY IN THE City of Santa Rosa, County of Sonoma; and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Sonoma, State of California, under the date of November 29, 1951, Case number 34831, that the notice, of which the annexed is a printed copy (set in type not smaller than nonpareil), has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates to wit:

The Press Democrat - Legal Notices

10/4 - 10/4/2023

I certify (or declare) under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct.

Dated at Santa Rosa, California, on

Oct 4, 2023

SIGNATURE

Proof of Publication of

NOTICE OF COMMENT PERIOD EXTENSION FOR ENVIRONMENTAL ASSESSMENT FOR THE KOI NATION OF NORTHERN CALIFORNIA SHILOH RESORT AND CASINO PROJECT

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Amy Dutschke, Regional Director
 Bureau of Indian Affairs, Pacific Regional Office
 2800 Cottage Way, Room W-2820, Sacramento, CA 95825

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181983 - Pub Oct 4, 2023 1ti.

Appendix B

Notice of Intent to Prepare EIS and Distribution

Summary: The Outer Continental Shelf Lands Act, as amended, authorizes the Coast Guard to promulgate and enforce regulations promoting the safety of life and property on Outer Continental Shelf (OCS) facilities. These regulations are located in 33 CFR subchapter N.

Need: The information is needed to ensure compliance with the safety regulations related to OCS activities. The regulations contain reporting and recordkeeping requirements for annual inspections of OCS facilities, employee citizenship records, station bills, and emergency evacuation plans.

Forms:

- CG-5432, Fixed OCS Facility Inspection Report.

Respondents: Operators of facilities and vessels engaged in activities on the OCS.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden has decreased from 9,582 hours to 9,578 hours a year, due to a decrease in the estimated annual number of responses.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended.

Dated: February 22, 2024.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2024-04950 Filed 3-7-24; 8:45 am]

BILLING CODE 9110-04-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAKC001030/
AOA501010.999900]

Notice of Intent to Prepare an Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project, Sonoma County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Koi Nation's (Nation) proposed Shiloh Resort and Casino Project adjacent to the Town of Windsor, Sonoma County, California for gaming and other purposes. Although a formal public scoping process has been

conducted and an Environmental Assessment (EA) circulated for this proposed Federal action, this notice also invites the public to identify potential issues, concerns, and alternatives to be considered in the EIS which have not previously been raised during this NEPA process.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than 30 days after publication of this Notice of Intent (NOI) in the **Federal Register**.

ADDRESSES: You may mail written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov, using "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT:

Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6000; email: chad.broussard@bia.gov.

SUPPLEMENTARY INFORMATION: The Koi Nation submitted a Fee-to-Trust application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 68.60 acres of fee land in trust by the United States as restored lands pursuant to 25 CFR part 292 upon which the Koi Nation would construct a casino resort. The Nation proposes to develop a casino-resort with ballroom/meeting space, event center, spa, and associated infrastructure. The proposed Fee-to-Trust property is located adjacent to the Town of Windsor, Sonoma County, California. The proposed trust property is assessor's parcels number 059-300-003. The purpose of the proposed action is to facilitate tribal self-sufficiency, self-determination, and economic development. The proposed action encompasses the various federal approvals that may be required to implement the Koi Nation's proposed project, including approval of the Koi Nation's land Fee-to-Trust application and Secretarial Determination pursuant to section 20 (b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719 (b)(1)(B)(iii)).

The BIA previously prepared an EA that analyzed the potential environmental effects of the proposed action. The EA was made available for public comments and was the subject of a public meeting. Upon consideration of the public and agency comments received, the BIA has decided to prepare an EIS to further analyze the environmental effects which may result from the proposed action.

The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (1) a reduced-intensity casino alternative, (2) an alternate-use (non-gaming) alternative, and (3) a no-action alternative. The range of alternatives evaluated in the EIS may be expanded based on comments received during the scoping process. Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural and paleontological resources; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomic; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects.

The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and in response to the previous publication of the EA. Additional information, including a map of the proposed trust property, is available at <https://shilohresortenvironmental.com> or by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority: This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the

procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by Delegation the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024-04937 Filed 3-7-24; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

National Park Service

[DOI-2023-0018; PPWOPFLL0/
PSSPPFL0088.00.1]

Privacy Act of 1974; System of Records

AGENCY: National Park Service, Interior.
ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Interior (DOI) is issuing a public notice of its intent to modify the National Park Service (NPS) Privacy Act system of records, INTERIOR/NPS-2, Land Acquisition and Relocation Files. DOI is revising this notice to expand the scope to include realty management activities; update the system name; propose new and modified routine uses; and update all sections to accurately reflect management of the system of records. This modified system will be included in DOI's inventory of record systems.
DATES: This modified system will be effective upon publication. New or modified routine uses will be effective April 8, 2024. Submit comments on or before April 8, 2024.

ADDRESSES: You may send comments identified by docket number [DOI-2023-0018] by any of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for sending comments.

- *Email:* DOI_Privacy@ios.doi.gov. Include docket number [DOI-2023-0018] in the subject line of the message.

- *U.S. Mail or Hand-Delivery:* Teri Barnett, Departmental Privacy Officer, U.S. Department of the Interior, 1849 C Street NW, Room 7112, Washington, DC 20240.

Instructions: All submissions received must include the agency name and

docket number [DOI-2023-0018]. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT:

Felix Uribe, Associate Privacy Officer, National Park Service, 12201 Sunrise Valley Drive, Reston, VA 20192, nps_privacy@nps.gov or (202) 354-6925.

SUPPLEMENTARY INFORMATION:

I. Background

The NPS maintains the INTERIOR/NPS-2, Land Acquisition and Relocation Files, system of records. The mission of the NPS is to preserve the natural and cultural resources and values of the National Park system for the enjoyment, education, and inspiration of this and future generations. Land protection activities play a vital role in accomplishing these objectives within National Park units (often referred to as parks). The purpose of the system of records is to manage land acquisition, relocation, and realty management activities for lands or interests in lands associated with National Park units.

DOI is proposing to change the name of the system from INTERIOR/NPS-2, Land Acquisition and Relocation Files, to INTERIOR/NPS-2, Land Acquisition, Relocation, and Realty Management Records, to reflect the expanded scope of the system of records to include realty management activities. DOI is also updating the system location, category of records, category of individuals, records source categories, storage, retrieval, records retention and disposal, and safeguards; updating the authorities in accordance with the new Title 54 of the U.S. Code, which includes only laws applicable to NPS; updating the notification, records access and contesting procedures; adding new sections for security classification, purpose, and history of the system of records; and making general updates to the remaining sections to accurately reflect management of the system of records in accordance with the Office of Management and Budget (OMB) Circular A-108, *Federal Agency Responsibilities for Review, Reporting, and Publication under the Privacy Act*.

DOI is also changing the routine uses from a numeric to alphabetic list and is proposing to modify existing routine uses to provide clarity and transparency, and to reflect updates consistent with standard DOI routine

uses. Routine use A was modified to further clarify disclosures to the Department of Justice (DOJ) or other Federal agencies, when necessary, in relation to litigation or judicial hearings. Modified routine use B clarifies disclosures to a congressional office to respond to or resolve an individual's request made to that office. Modified routine use D allows DOI to refer matters to the appropriate Federal, State, local, or foreign agencies, or other public authority agencies responsible for investigating or prosecuting violations of, or for enforcing, or implementing, a statute, rule, regulation, order, or license. Modified routine use J and proposed routine use K allow DOI and NPS to share information with appropriate Federal agencies or entities when reasonably necessary to respond to a breach of personally identifiable information (PII) and to prevent, minimize, or remedy the risk of harm to individuals or the Federal Government, or assist an agency in locating individuals affected by a breach in accordance with OMB Memorandum M-17-12, *Preparing for and Responding to a Breach of Personally Identifiable Information*. Routine use P was modified to remove the reference to condemnation proceedings since the condemnation process is covered by routine use A and add clarifying reference to the regulations of the Attorney General for review of title for Federal land acquisitions.

DOI is proposing new routine uses to facilitate sharing of information with agencies and organizations to promote the integrity of the records in the system or carry out a statutory responsibility of the DOI or Federal Government. Proposed routine use C facilitates sharing of information with the Executive Office of the President to resolve issues concerning individuals' records. Proposed routine use E allows NPS to share information with other Federal agencies to assist in the performance of their responsibility to ensure records are accurate and complete, and to respond to requests from individuals who are the subject of the records. Proposed routine use F facilitates sharing of information related to hiring, issuance of a security clearance, or a license, contract, grant or benefit. Proposed routine use G allows NPS to share information with the National Archives and Records Administration (NARA) to conduct records management inspections. Proposed routine use H allows NPS to share information with external entities, such as State, territorial and local

Koi Nation of Northern California Shiloh Resort and Casino Project

Summary

SCH Number

2022050599

Lead Agency

United States Department of the Interior

Document Title

Koi Nation of Northern California Shiloh Resort and Casino Project

Document Type

NOI - Notice of Intent

Received

3/13/2024

Present Land Use

Land Use and Zoning: Land Intensive Agriculture and Limited Commercial

Document Description

The Proposed Action is the acquisition of approximately 68.6-acres of fee land in unincorporated Sonoma County in trust by the United States upon which the Koi Nation would construct a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure (Proposed Project). Water supply to serve the project is proposed through the use of on-site wells, and wastewater would be treated via a proposed on-site tertiary wastewater treatment plant (WWTP).

Contact Information

Name

Chad Broussard

Agency Name

Department of Interior, Bureau of Indian Affairs

Job Title

Environmental Protection Specialist

Contact Types

Lead/Public Agency

Address

2800 Cottage Way
Sacramento, CA 95852

Phone

(916) 978-6165

Email

chad.broussard@bia.gov

Name

Darin Beltran

Agency Name

Koi Nation of California

Job Title

Chairman

Contact Types

Project Applicant

Address

PO Box 3162
Santa Rosa, CA 95402

Phone

(707) 575-5586

Email

kn@koination.com

Name

Bibiana Sparks

Agency Name

Acorn Environmental

Job Title

Principal, Project Manager

Contact Types

Consulting Firm

Address

5170 Golden Foothill Parkway
El Dorado Hills, CA 95762

Phone

(310) 906-6638

Email

bsparks@acorn-env.com

Location

Counties

Sonoma

Regions

Countywide

Cross Streets

Old Redwood Highway and Shiloh Road

Zip

95403

Total Acres

68.6

Parcel #

059-300-003

State Highways

101

Airports

Sonoma County Airport

Waterways

Pruitt Creek

Township

8N

Range

8W

Section

18

Base

Mt.Diabl

Notice of Completion

State Review Period Start

3/8/2024

State Review Period End

4/8/2024

State Reviewing Agencies

California Air Resources Board (ARB), California Department of Conservation (DOC), California Department of Fish and Wildlife, Bay Delta Region 3 (CDFW), California Department of Forestry and Fire Protection (CAL FIRE), California Department of Justice, Attorney General's Office, California Department of Parks and Recreation, California Department of Transportation, District 4 (DOT), California Department of Transportation, Division of Aeronautics (DOT), California Department of Transportation, Division of Transportation Planning (DOT), California Department of Water Resources (DWR), California Governor's

Office of Emergency Services (OES), California Highway Patrol (CHP), California Native American Heritage Commission (NAHC), California Natural Resources Agency, California Regional Water Quality Control Board, North Coast Region 1 (RWQCB), Department of General Services (DGS), Department of Toxic Substances Control, Office of Historic Preservation, State Water Resources Control Board, Division of Drinking Water, State Water Resources Control Board, Division of Drinking Water, District 18, State Water Resources Control Board, Division of Water Quality, State Water Resources Control Board, Division of Water Rights

Development Types

Recreational (Resort and Casino Facility)

Local Actions

None - Fee-to-Trust Acquisition by BIA

Project Issues

Aesthetics, Agriculture and Forestry Resources, Air Quality, Biological Resources, Cultural Resources, Cumulative Effects, Drainage/Absorption, Economics/Jobs, Energy, Fiscal Impacts, Flood Plain/Flooding, Geology/Soils, Greenhouse Gas Emissions, Growth Inducement, Hazards & Hazardous Materials, Hydrology/Water Quality, Land Use/Planning, Mandatory Findings of Significance, Mineral Resources, Noise, Population/Housing, Public Services, Recreation, Schools/Universities, Septic System, Solid Waste, Transportation, Tribal Cultural Resources, Utilities/Service Systems, Vegetation, Wetland/Riparian, Wildfire

Attachments

Draft Environmental Document [Draft IS, NOI_NOA_Public notices, OPR Summary Form, Appx,]

Notice Mailer PDF 138 K

Notice of Completion [NOC] Transmittal form

240312_NOI SCH NOC PDF 236 K

Disclaimer: The Governor's Office of Planning and Research (OPR) accepts no responsibility for the content or accessibility of these documents. To obtain an attachment in a different format, please contact the lead agency at the contact information listed above. You may also contact the OPR via email at state.clearinghouse@opr.ca.gov or via phone at [\(916\) 445-0613](tel:9164450613). For more information, please visit [OPR's Accessibility Site](#).

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MSCQFCACMDGEFQCCLOPLBAMQA
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CLQGOQCBAQCAKAOFNAGLAGNCIA
MIDFNAGLQMCBAOCPPAKMAO?QA
LCTPN?NCOMDAECLCO?JAGOARJ?QGML!A
NOGLQCBAR@JGPHCSAA 57A-42A
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QFCAALCUCCBANNOGLQCBANPACQAVNCA
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3/8 - 3/8/2024

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Stefanie PuckettA

4337-15

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[245A2100DD/AAK001030/A0A501010.999900]

Notice of Intent to Prepare an Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project, Sonoma County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, intends to gather information necessary for preparing an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA) in connection with the Koi Nation's (Nation) proposed Shiloh Resort and Casino Project adjacent to the Town of Windsor, Sonoma County, California for gaming and other purposes. Although a formal public scoping process has been conducted and an Environmental Assessment (EA) circulated for this proposed federal action, this notice also invites the public to identify potential issues, concerns, and alternatives to be considered in the EIS which have not previously been raised during this NEPA process.

DATES: To ensure consideration during the development of the EIS, written comments on the scope of the EIS should be sent as soon as possible and no later than 30 days after publication of this Notice of Intent (NOI) in the Federal Register.

ADDRESSES: You may mail written comments to Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" on the first page of your written comments. You may also submit comments through email to Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov, using "NOI Comments, Koi Nation Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825; telephone: (916) 978-6000; email: chad.broussard@bia.gov.

SUPPLEMENTARY INFORMATION: The Koi Nation submitted a Fee-to-Trust application to the Bureau of Indian Affairs (BIA) requesting the placement of approximately 68.60 acres of fee land in trust by the United States as restored lands pursuant to 25 C.F.R. part 292 upon which the Koi Nation would construct a casino resort. The Nation proposes to develop a casino-resort with ballroom/meeting space, event center, spa, and associated infrastructure. The proposed Fee-to-Trust property is located adjacent to the Town of Windsor, Sonoma County, California. The proposed trust property is assessor's parcels number 059-300-003. The purpose of the proposed action is to facilitate tribal self-sufficiency, self-determination, and economic development. The proposed action encompasses the various federal approvals that may be required to implement the Koi Nation's proposed project, including approval of the Koi Nation's land Fee-to-Trust application and Secretarial Determination pursuant to section 20 (b)(1)(B) of the Indian Gaming Regulatory Act (25 U.S.C. 2719 (b)(1)(B)(iii)).

The BIA previously prepared an EA that analyzed the potential environmental effects of the proposed action. The EA was made available for public comments and was the subject of a public meeting. Upon consideration of the public and agency comments received, the BIA has decided to prepare an EIS to further analyze the environmental effects which may result from the proposed action.

The EIS will identify and evaluate issues related to these approvals and will also evaluate a range of reasonable alternatives. Possible alternatives currently under consideration include: (1) a reduced-intensity casino alternative, (2) an alternate-use (non-gaming) alternative, and (3) a no-action alternative. The range of alternatives evaluated in the EIS may be expanded based on comments received during the scoping process. Areas of environmental concern preliminarily identified for analysis in the EIS include land resources; water resources; air quality; noise; biological resources; cultural and paleontological resources; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomic; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects.

The range of issues to be addressed in the EIS may be expanded or reduced based on comments received in response to this notice and in response to the previous publication of the EA. Additional information, including a map of the proposed trust property, is available at <https://shilohresort-environmental.com> or by contacting the person listed in the FOR FURTHER INFORMATION CONTACT section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record. Before including your address, telephone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment — including your personal identifying information — may be made publicly available at any time. While you can ask in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority: This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, et seq.), and in accordance with the exercise of authority delegated to the Assistant Secretary — Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Wizipan Garriott
Principal Deputy Assistant Secretary - Indian Affairs
Exercising by Delegation the Authority of the Assistant Secretary - Indian Affairs

Shiloh Resort and Casino Project
NOI Mailing List

First Name	Last Name	Title	Affiliation
Agencies			
Jennifer	Solito	Assistant County Administrator	Sonoma County Board of Supervisors Department California Air Resources Board California EPA
Karen	Vitulano	Environmental Review Branch, Tribal, Intergovernmental and Policy Division	EPA Region 9 (Pacific Southwest) Northern Sonoma County Air Pollution Control District Permit Sonoma Director
Patrick	Streeter	Community Development Director	Town of Windsor, Windsor Planning Division Windsor Town Council
Michael	Thompson	Representative	Congress of the United States, House of Representatives
Jared	Huffman	Representative	Congress of the United States, House of Representatives California Gambling Control Commission
Pricilla	Fuentes-Torres	Cultural Resources Analyst	NAHC
Mark	Leong	District Branch Manager	Caltrans
Mark	Leong	District Branch Manager	Caltrans
Erin	Chappell	Regional Manager	California Department of Fish and Wildlife, Bay Delta Region
Jon	Davis	Town Manager	Town of Windsor
Alex	Padilla	US Senator	US Senate
Laphonza	Butler	US Senator	US Senate
John	Sawyer	Council Member	Santa Rosa District 2
Tom	Schwedhelm	Council Member	Santa Rosa District 6
Fiona	Ma	California State Treasurer	California State
Cecilia	Aguiar-Curry	Assembly Speaker pro Tempore	Assembly California Legislature
Damon	Connolly	Assembly Member, Twelfth District	Assembly California Legislature
Lyle	Enriquez		National Marine Fisheries Service
Michael	Fris		U.S. Fish and Wildlife Service
Bill	Dodd	Senator, District 3	California State Senate
Ross	Ingels	Lieutenant	California Highway Patrol- Santa Rosa Area California Department of Transportation, District 4, Office of Regional and Community Planning
Yunsheng	Luo	Branch Chief	
Mark	Heine-SCFD	Fire Chief	Sonoma County Fire District
Andy	Rodgers	Administrator	Santa Rosa Plain Groundwater Sustainability Agency
Robert H.	Pittman	County Counsel	Sonoma County California
Tribes			
Margie	Mejia	Tribal Chairperson	Lytton Rancheria
Danny	Ocampo	Tribal Secretary	Lytton Rancheria

Shiloh Resort and Casino Project
NOI Mailing List

Andy	Mejia	Tribal Chairperson	Lytton Rancheria, Lytton Rancheria Band of Pomo Indians
Greg	Sarris	Tribal Chairman	Federated Indians of Graton Rancheria
Reno	Keoni Franklin	Tribal Chairman	Kashia Band of Pomo Indians of the Stewarts Point Rancheria
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians
Chris	Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council
Delores	Pigsley	Tribal Chairman	Confederated Tribes of Siletz Indians Tribal Council
Bill	Anoatubby	Governor	Chickasaw Nation
Bill	Lance	Tribal Chairman	Chickasaw Nation
Patricia	Hermosillo	Tribal Chairperson	Cloverdale Rancheria of Pomo Indians of California
Octavio	Escobedo III	Tribal Chairman	Tejon Indian Tribe
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village
Erica M	Pinto	Tribal Chairwoman	Jamul Indian Village
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria
Mary J	Norris	Tribal Chairwoman	Cahto Tribe Laytonville Rancheria
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation
Angela	Elliott Santos	Tribal Chairwoman	Manzanita Band of the Kumeyaay Nation
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria
Virgil	Moorehead	Tribal Chairperson	Big Lagoon Rancheria
Darin	Beltran		Koi Nation of Northern California
Jack	Potter Jr.	Tribal Chairman	Redding Rancheria
Victoria	Martin	Tribal Vice-Chairwoman	Augustine Band of Cahuilla Indians
Beniakem	Cromwell	RRCHC Tribal Chairman	Robinson Rancheria Citizens Business Council

Organizations

Nina	Cote	Steering Committee Chair	Our Community Matters
Josh	Ratiani	Pastor	Shiloh Neighorhood Church
Padi	Selwyn	Co-Chair	Preserve Rural Sonoma County
Jay	Bradshaw	Executive Officer	Nor Cal Carpenters Union
Cheryl	Schmit	N/A	Stand Up for California
Zack	Matley	AICP Principal	W-Trans
Mike	Rosetti		Rosetti Insurance Agency
Brian R.	Hunsaker		Hunsaker Insurance Agency
Kristine Lynn	Anderson-Manos		AllState Mortgage Company
Mobile Home Estates			Mobile Home Estates
Henry	Belmonte		VJB Cellars and Wellington Cellars
Marlene	Soiland	Owner/President	Soiland Management Co., Inc.
Larry	Barnum	HOA Board President	Wikiup Greens
Alan	Titus		Robb and Ross

Shiloh Resort and Casino Project
NOI Mailing List

Individuals

Daniel and Camilla	Heidenreich	N/A	N/A
Meredith	Strom	N/A	N/A
Sean	Harrell	N/A	N/A
Betsy	Mallace	N/A	N/A
Anne	Keck	N/A	Keck Law Offices
Aaron	Ziskin	N/A	N/A
Mark	Catelani	N/A	N/A
Brenda	Catelani	N/A	N/A
Mary	Catelani	N/A	N/A
Georgianne	Boissier	N/A	N/A
Anthony	Sarto	N/A	N/A
Joan	Chance	N/A	N/A
Abby	Fletcher	N/A	N/A
Lance	Cottrell	N/A	N/A
Cameron	Barfield	N/A	N/A
Lynn	Darst	N/A	N/A
Cory	Thomas	N/A	N/A
Kristine	Hannigan	N/A	N/A
Lynda	Williams	N/A	N/A
James	Fletcher	N/A	N/A
Michael	Donovan	N/A	N/A
Rachel	Jackson	N/A	N/A
Bethany	Sullivan	Attorney at Law	Maier Pfeffer Kim Geary & Cohen LLP
Virginia	Gillen	N/A	N/A
James	Gilbert	N/A	N/A
Kathy and Stefan	Parnay	N/A	N/A
Carrie	Marvin	N/A	N/A
Tom	Thornsley	N/A	N/A
Suzanne	Malay	N/A	N/A
Brian	Moe	N/A	N/A
Letitia	Caruso	N/A	N/A
Eddie	Flayer	N/A	N/A
Mary	Hess	N/A	N/A
Amy	Hoover	N/A	N/A
Charles	Williams	N/A	N/A
Debra	Avanche	N/A	N/A
Gregory	Heath	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Deborah	Curle	N/A	N/A
Diane	Baines	N/A	N/A
Jill	Plamann	N/A	N/A
Lorenzo	Freschet	N/A	N/A
Regan	Arndt	N/A	N/A
Elizabeth	Acosta	N/A	N/A
Jonathan	Marvin	N/A	N/A
Tim	Ryan	N/A	N/A
Steven	Karp	N/A	N/A
Marie	Salerno	N/A	N/A
Patty	Grimm	N/A	N/A
Robert	Brink	N/A	N/A
Michael	Higgins	N/A	N/A
Joyce	Ulrich	N/A	N/A
Gary	Velasquez	N/A	N/A
Pamela	Geiss	N/A	N/A
Elizabeth	Pulcheon	N/A	N/A
A.P. and Janet	Marsten	N/A	N/A
Christine	Daniels	N/A	N/A
Judith and John	Coppedge	N/A	N/A
Martha	Clark	N/A	N/A
Julie	Neff	N/A	N/A
Josh	Hammer	N/A	N/A
Mike	Carlson	N/A	N/A
Dwight	Haldan	N/A	N/A
Eva	Ingrum	N/A	N/A
Louise	Calderon	N/A	N/A
Morgan	Marchbanks	N/A	N/A
Clarence and Belva	Mitchell	N/A	N/A
Rick	Fuchs	N/A	N/A
Mary	Stuart	N/A	N/A
Jane	Robinson	N/A	N/A
Chris	Handel	N/A	N/A
W.K	Bedsole	N/A	N/A
Byron	Calos	N/A	N/A
Therese	Menzel	N/A	N/A
Kari	Kincheloe	N/A	N/A
Marilyn	Volpert	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Gabriel	Greene	N/A	N/A
Barb	Cottrell	N/A	N/A
Barbara	Reed	N/A	N/A
Kayla	Anderson	N/A	N/A
Carol and Joe	Rash	N/A	N/A
Tisha	Zolnowsky	N/A	N/A
Karen	Burkett	N/A	N/A
Larry	Lapides	N/A	N/A
Claudia	Abend	N/A	N/A
Walter	Bruszewski	N/A	N/A
Judy	Witwicki	N/A	N/A
Victoria	Osten	N/A	N/A
Sandra	Oakes-Arriola	N/A	N/A
Sandy	Chapman	N/A	N/A
Vincent	Stockette	N/A	N/A
Bonnie	Farrow	N/A	N/A
C	Belden	N/A	N/A
Paul	Browning	N/A	N/A
Melissa	Airoldi	N/A	N/A
John	Baird	N/A	N/A
Nancy and Lonn	Thomas	N/A	N/A
Robert	Eberling	N/A	N/A
Geoff	Coleman	N/A	N/A
Michael	Cote	N/A	N/A
Susan	Pulcheon	N/A	N/A
Eric	Lucas	N/A	N/A
Diana	Borges	N/A	N/A
Richard	Addison	N/A	N/A
Katherine	Schram	N/A	N/A
Pam	Bruszewski	N/A	N/A
Rachel	Verdugo	N/A	N/A
Nina	Cote	N/A	N/A
Mary	Lopez	N/A	N/A
Dinah and James	Costello	N/A	N/A
Susan	Frey	N/A	N/A
James and Linda	Selby	N/A	N/A
Marie	Fanelli	N/A	N/A
Ron and Carrie	Myers	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Bob and Nancy	Jenkins	N/A	N/A
Nancy	Jenkins	N/A	N/A
Don and Denise	Ziskin	N/A	N/A
Diane and Walter	Winsby	N/A	N/A
Josephine	Hamilton	N/A	N/A
Jennifer and Jaime	Lopez	N/A	N/A
Anya	Piazza-Lyons	N/A	N/A
John	Bocci	N/A	N/A
Paige	Mazzoni	N/A	N/A
Heidi	Jacquin	N/A	N/A
Ramona	Turner	N/A	N/A
Mark	Kimmel	N/A	N/A
Peg	Champion	N/A	N/A
Cecilia	Domenichelli	N/A	N/A
Lynette	McGee	N/A	N/A
Justina	Sessions	N/A	N/A
Betty	Winholtz	N/A	N/A
Scott and Kathleen	Huhn	N/A	N/A
Matthew	Maring	N/A	N/A
Linda and Richard	Leao	N/A	N/A
Tim	Madura	N/A	N/A
Frances	Soiland	N/A	N/A
William	Ardizoia	N/A	N/A
Suzanne	Malay	N/A	N/A
Kathleen	Duffy	N/A	N/A
Joseph	Syufy	N/A	N/A
Kenneth	Pietrelli	N/A	N/A
Patrick	Munsch	N/A	N/A
Jim	Boissier	N/A	N/A
Brian	Siewert	N/A	N/A
Janice	Sexton	N/A	N/A
Hollis	Stavn	N/A	N/A
Therese	Mrozek	N/A	N/A
Doug	Knight	N/A	N/A
Scott	Gibson	N/A	N/A
Kacy	DeHaven	N/A	N/A
Alan	Phillis	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Dahdri	McCormick	N/A	N/A
Cliff	Whittemore	N/A	N/A
Spencer	Pahlke	N/A	N/A
Tom	Beckman	N/A	N/A
Shannon	Schiller	N/A	N/A
Mary-Frances	Makichen	N/A	N/A
Richard	Boyd	N/A	N/A
Sidnee	Cox	N/A	N/A
Harold	Minkin	N/A	N/A
Michael and Kathi	Mayer	N/A	N/A
Christy	Delucchi	N/A	N/A
Laurie	Landry	N/A	N/A
Steve	Plamann	N/A	N/A
Dana	Murphy	N/A	N/A
Lynn	Caruso	N/A	N/A
Carlyn	Knight	N/A	N/A
Mary	Euphrat	N/A	N/A
Carl	Euphrat	N/A	N/A
Graham	Rutherford	N/A	N/A
Gino	Rantissi	N/A	N/A
Amy	Ramsey	N/A	N/A
Claudia	Volpi	N/A	N/A
Matt	Gustafson	N/A	N/A
MaryAnn	Bainbridge-Krause	N/A	N/A
Paul	Godowski	N/A	N/A
Amy	Banfill	N/A	N/A
Greg	Banfill	N/A	N/A
Rosa	Reynoza	N/A	N/A
Robin	Jaskela	N/A	N/A
Debra	Lopeman	N/A	N/A
Michele	Kipp	N/A	N/A
Joan	Gibson	N/A	N/A
Ronald	Calloway	N/A	N/A
Mary	McCarty	N/A	N/A
Richard	Abend	N/A	N/A
Michael	Moran	N/A	N/A
Don and Terri	Jensen	N/A	N/A
Kurt	Shaver	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

David and Sandra	George	N/A	N/A
Brian	Williams	N/A	N/A
Unknown		N/A	N/A
Rochell	Letasi	N/A	N/A
A.P	Marsten	N/A	N/A
Danelle and Mario	Rosati	N/A	N/A
Hahna	Kaiser	N/A	N/A
Rachel	Shadburne	N/A	N/A
Catherine	Ernst	N/A	N/A
Robert	Cobb	N/A	N/A
Perry	Austin	N/A	N/A
Marc	Chandler	N/A	N/A
David	Sussman	N/A	N/A
Robert	Janes	N/A	N/A
Pam	Janes	N/A	N/A
Dylan	Whittemore	N/A	N/A
Marquel	Abend	N/A	N/A
David	Jacquin	N/A	N/A
Cathleen	Kistler	N/A	N/A
Cathleen	Belden	N/A	N/A
Ben	Miller	N/A	Kadesh & Associates
Heidi	Aarts	N/A	N/A
Carol	Bloom	N/A	N/A
Simon	Gertler	Associate Attorney	Maier Pfeffer Kim Geary & Cohen, LLP
Jason	Brend	N/A	N/A
Alan	Flora	N/A	City of Clearlake
Angelo	Aspillaga	Sales Consultant	Marin County Ford
Tsoai	Gordley	Finanace Manager	Marin County Ford
Mitch	Patin	President	Patin Vineyard Management Inc
Heidi	Burke	N/A	N/A
Karen	Alves	N/A	N/A
Ace	Chon	N/A	N/A
Bing	Mak	N/A	N/A
Gail	Melendez	N/A	N/A
Julie	Lin	N/A	N/A
Lawrence	Kitagawa	N/A	N/A
Angelica	Beltran	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Archie	Velasquez	N/A	N/A
Christopher	Lin	N/A	N/A
Connie	Jouganatos	N/A	N/A
Elisa	Marty	N/A	N/A
Frank	Wong	N/A	N/A
Fredrica	Green	N/A	N/A
Gino	Ghilotti	Project Manager	Ghilotti Bros Inc
Gino	Ramos	N/A	N/A
Grady	Kimball	Operations Manager	Ghilotti Bros Inc
Jason	Poon	N/A	N/A
Jay	Barrington	Manager of Business Development	Ghilotti Bros Inc
Joel	Vasques	N/A	N/A
John	Sugrue	N/A	N/A
JR	Ramirez	Senior Field Manager	Ghilotti Bros Inc
Julie	Amolacion	N/A	N/A
Lance	Bushnell	VP of Estimating	Ghilotti Bros Inc
Maria	Chaves	N/A	N/A
Miguel	Erazo	N/A	N/A
Mike	Ghilotti	President	Ghilotti Bros Inc
Pearlie	Mendiola	N/A	N/A
Peter	Coyote	Reverend	N/A
Pressy	Carlos	N/A	N/A
Raymond	Ng	N/A	N/A
Rodolfo	Amolacion	N/A	N/A
Roy	Nicdao	N/A	N/A
Scott	Silvestri	VP of Private Work	Ghilotti Bros Inc
Steve	Ly	N/A	N/A
Theresa	Santiago	N/A	N/A
Thomas	Barr	Chief Operating Officer	Ghilotti Bros Inc
Victoria		N/A	N/A
Zack	Liu	N/A	N/A
Arlene	Noriega	N/A	N/A
Cynthia	Gallardo	N/A	N/A
Ervan	Martinez	N/A	N/A
John	Rodriguez	N/A	N/A
Kenneth	Nelson	N/A	N/A
Leah	Sautelet	N/A	N/A
Novella	Ellis	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Robert	Young	N/A	N/A
Olivia	Leong	N/A	N/A
Rosemary	Rivieccio	N/A	N/A
Susan	Eng	N/A	N/A
Susan	Feliciano	N/A	N/A
Vincent	Han	N/A	N/A
Yvette	Carillo	N/A	N/A
Alex	Gonzalez	N/A	N/A
Evelyn	Aejo	N/A	N/A
Serina	Jackson	N/A	N/A
Paul	Chan	N/A	N/A
Appleton	Chung	N/A	N/A
Axel	Huang	N/A	N/A
Cayetana	Bujor	N/A	N/A
Daniel	Dickinson	N/A	N/A
Edmund	Lai	N/A	N/A
Lei	Keqiang	N/A	N/A
Prince	Tenoso	N/A	N/A
Tonecia	Harvey	N/A	N/A
Elizabeth	Nix	N/A	N/A
Raymond	Trinidad	N/A	N/A
Rebecca	Maranda	N/A	N/A
Ada		N/A	N/A
Donna	Fong	N/A	N/A
Beth	Crist	N/A	N/A
Brian	Meadows	N/A	N/A
Christina	Luna	N/A	N/A
Don	Green	N/A	N/A
Jesenia	Licea	N/A	N/A
Kathy		N/A	N/A
Lisa	Moody	N/A	N/A
Lorena	Licea	N/A	N/A
Mari	Sweeting	N/A	N/A
Marilyn	Soldavini	N/A	N/A
Michelle	Anderson	N/A	N/A
Rafael	Licea	N/A	N/A
Robert	Ransom	N/A	N/A
Sharon	Williams	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Thomas	Nguyen	N/A	N/A
Ericka	Zolnowsky	N/A	N/A
Elaine	Balch	N/A	N/A
Lillian	Fonseca- Cierley	N/A	N/A
Jacques	Carter	President	Windsor Neighborhood Coalition
June	Otto	N/A	N/A
Kathy	Munoz	N/A	N/A
Pat and Bonnie	Riley	N/A	N/A
Richard	Schram	N/A	N/A
Rita	Nickles	N/A	N/A
Sally Mac Meekin	Smith	N/A	N/A
Melissa	Cox	N/A	N/A
Richard and Christine	Ortiz	N/A	N/A
Cat	Bellinger	N/A	N/A
Cheryl	Boden	N/A	N/A
Jodie	Mocciaro	N/A	N/A
Susan	Bjork	N/A	N/A
Marsha	Herman	N/A	N/A
Monica	Robledo	N/A	N/A
Rebecca	Escarcega	N/A	N/A
Tanya	Valentine	N/A	N/A
Tiffany	Moore	N/A	N/A
Becky	VerMeer	N/A	N/A
Diane	Green	N/A	N/A
Helen	Smith	N/A	N/A
Jan	Becker	N/A	N/A
Jeff	Pfeiffer	N/A	N/A
Jill	Palmer	N/A	N/A
Michele	Fortner	N/A	N/A
Susan	Levi	N/A	N/A
Jon	Bernal	N/A	N/A
Karen and Joe	Garattii	N/A	N/A
Robert	Zimmerman	N/A	N/A
Lenette	LaForge	N/A	The Lucero Group Real Estate Services
John	Broughton	N/A	N/A
Albert	Hill	N/A	N/A
Pammy	Haynes	N/A	N/A
Edith	Reyes	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Howard	Fortner	N/A	N/A
George	Zeidan	N/A	N/A
Sophia	Myers	N/A	N/A
Ralph	Saucedo	N/A	Pinoleville Pomo Nation
Nona	Claypool	N/A	N/A
Linda	Bryan	N/A	N/A
Steve	Gerstle	N/A	N/A
Lynne	Carpenter	N/A	N/A
Eugenia M	Casteel	N/A	N/A
Sophia	Bonanno	N/A	N/A
Dingrenio	Bautista	N/A	N/A
Dapsha	Sherpa	N/A	N/A
Mestrina	Medios	N/A	N/A
Eric	Mak	N/A	N/A
Dave	Heventhal	N/A	N/A
Crystal	Golias	N/A	N/A
Cindy	Nardi	N/A	N/A
No Name		N/A	N/A
Jenny	Herzberger	N/A	N/A
Scott	Horton	N/A	N/A
Trini	Amador	N/A	N/A
Kathy	Kerst	N/A	N/A
Adam	MacLeod	N/A	N/A
Lori	Pennato	N/A	N/A
Mary	Gardner	N/A	N/A
Bryan	Lobao	N/A	N/A
Cammy	Bennett	N/A	N/A
Maralee	Parsons	N/A	N/A
Melodi	Walton	N/A	N/A
Katie	Douglas	N/A	N/A
Arash	Behrouz	N/A	N/A
Neal and Ruth	Weeks	N/A	N/A
Andy	Westbom	N/A	N/A
Rick and Kathy	Hansen	N/A	N/A
Heidi	Doggwiler	N/A	N/A
Carol	Brown	N/A	N/A
Mary Lou and Eligio	Velasquez	N/A	N/A
Richard	Kluck	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Annette	Flachman	N/A	N/A
Laurie	Leach	N/A	N/A
Terry	Abrams	N/A	N/A
Karen	Saari	N/A	N/A
Brooke	Green	N/A	N/A
Valerie	Zanette	N/A	N/A
Gerry and Cathy	Wall	N/A	N/A
Tim	Swanson	N/A	N/A
Dennis	Blasi	N/A	N/A
Mary	Grishaver	N/A	N/A
Jeanne	Harris Powell	N/A	N/A
Sheryl	Lawton	N/A	N/A
Jeanne and Richard	Duben	N/A	N/A
Karen	Bronder-Reynolds	N/A	N/A
Julius	Orth	N/A	N/A
Jackie	Ganiy	N/A	N/A
Robert	Rowland	N/A	N/A
Michael	Skaggs	N/A	N/A
William	Bolster	N/A	N/A
Roger	Nichols	N/A	N/A
Murray	Evans	N/A	N/A
Richard	Zolli	N/A	N/A
Richard	Owens	N/A	N/A
Alexandria	Mangold	N/A	N/A
Gary	Furness	N/A	N/A
Elizabeth	Allen	N/A	N/A
Kevin	Warren	N/A	N/A
Patsy	Des Jardins Warren	N/A	N/A
Molly	Weiss	N/A	N/A
Robert	Kloetzer	N/A	N/A
Karen	Guerin	N/A	N/A
Sean	Jones	N/A	N/A
Janice	Kane	N/A	N/A
Ken	Moholt-Siebert	N/A	N/A
Laurel	Jew	N/A	N/A
Jon	Phillips	N/A	N/A
Glenn	McCrea	N/A	N/A
Lynne	Alarie	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Robin	Weller	N/A	N/A
Anne	Terry	N/A	N/A
David	Lemos	N/A	N/A
Tonie	Bass	N/A	N/A
Tracy	Wallace	N/A	N/A
Peter	Stickney	N/A	N/A
Lisa	Bollman	N/A	N/A
Neise	Turchin	N/A	N/A
Barbara	Collin	N/A	N/A
Jason	Lind	N/A	N/A
Phil	Barber	N/A	N/A
Debra	Marincik	N/A	N/A
William	McCormick	N/A	N/A
Gayle	Citta	N/A	N/A
JoAnn	Hamilton	N/A	N/A
L	Ireland	N/A	N/A
Sean	Boyd	N/A	N/A
Allyson	Saunders	N/A	N/A
Judy	F	N/A	N/A
Jessica	Sutton	N/A	N/A
Michelle	Lee	N/A	N/A
Sam	Singer	N/A	N/A
Christie	Wilfley	N/A	N/A
Jason	Galisatus	N/A	N/A
Haley	Murphy	N/A	N/A
Eleanor	Maloney	N/A	N/A
Audra	Edwards	N/A	N/A
Rory	O'Connor	N/A	N/A
Chris	Lamela	N/A	N/A
Noah	Starr	N/A	N/A
Bill	Adams	N/A	N/A
Jim	Wright	N/A	N/A
Marie	Eddy	N/A	N/A
Kym Koch	Thompson	N/A	N/A
Damien	Cordova	N/A	N/A
Michael	Anderson	N/A	N/A
Suzanne	Calloway	N/A	N/A
Katherine	Altom	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Kathleen	Lawrence	N/A	N/A
Elizabeth	Homer	N/A	N/A
William	Bridges	N/A	N/A
Deborah	Doyle	N/A	N/A
Kim	Edwards	N/A	N/A
Cari	Davies	N/A	N/A
Jim	Collins	N/A	N/A
Cindy	Duffy	N/A	N/A
Cynthia	Conway	N/A	N/A
Martha	Hennigan	N/A	N/A
Laura	Wilson	N/A	N/A
David	Drake	N/A	N/A
Wilbur and Nancy	Larson, Jr.	N/A	N/A
Joyce	Doughty	N/A	N/A
Robert	Ensten	N/A	N/A
Jessi	Spierings	N/A	N/A
Susan	Ziadeh	N/A	N/A
Nathan	Strong	N/A	N/A
Michael	Derry	N/A	N/A
Dan	Rei	N/A	N/A
Susan	Madura	N/A	N/A
Michael	Edwards	N/A	N/A
Debra	Condiotti	N/A	N/A
Wendy	Nicholas	N/A	N/A
Stephanie	Browning	N/A	N/A
Griffin	Avanche	N/A	N/A
Bernadette	Reed	N/A	N/A
Jeff	Davies	N/A	N/A
Kevin	Mauch	N/A	N/A
Joanna	Rees	N/A	N/A
Cathy	Odom	N/A	N/A
S	Cousins	N/A	N/A
Jeannette	Engel	N/A	N/A
Doreen	Heath Lance	N/A	N/A
Lyndsey	Tillinghast	N/A	N/A
Hank	Schneider	N/A	N/A
Roger	Lees	N/A	N/A
Erica	Torgerson	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Sasha	Fuller	N/A	N/A
Diane	Stern	N/A	N/A
Lori	Wyatt	N/A	N/A
Paula	DuVander	N/A	N/A
MJ	Noble	N/A	N/A
Stephen and Karen	Marcelino	N/A	N/A
Ben	Lehr	N/A	N/A
Cyndi	Foreman	N/A	N/A
Amanda	May	N/A	N/A
Guy	Nicholas	N/A	N/A
Bonnie	Kam	N/A	N/A
Mark	Millan	N/A	N/A
Susan	Clark	N/A	N/A
Lori	Haggstrom	N/A	N/A
Susan	Aragon	N/A	N/A
Kathy	Northen	N/A	N/A
Ramona	I.	N/A	N/A
Tiffany	Wolvek	N/A	N/A
Jessica	Wilhelm	N/A	N/A
Ron and Michelle	Blanc	N/A	N/A
Peter	Walker	N/A	N/A
Brittany	Nies	N/A	N/A
Victoria	Petersen	N/A	N/A
Leigh	Meyer	N/A	N/A
Stephanie	Starr	N/A	N/A
Sarah	Vandegriff	N/A	N/A
Eric	Pham	N/A	N/A
Mona	Hanes	N/A	N/A
Angelito	Andaluz	N/A	N/A
Crysta	Diamante	N/A	N/A
Kevin	Desai	N/A	N/A
Calvin	Kandarian	N/A	N/A
Erendira	Garcia	N/A	N/A
Patricia	Arnold-Kempton	N/A	N/A
Deborah	Fudge	N/A	N/A
Stephen	Rios	N/A	N/A
Susan	Volmerding	N/A	N/A
Russell	Thompson	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Nathanael	Glücklich	N/A	N/A
A	Dem	N/A	N/A
Debbie	Deaton	N/A	N/A
Terry	Chepkurui	N/A	N/A
tyler	M	N/A	N/A
Nicole	Cousins	N/A	N/A
Sm	Salmon	N/A	N/A
James	McCormick	N/A	N/A
Dennis	Blasi	N/A	N/A
Shawn	Moberg	N/A	N/A
Devin	Rhinerson	N/A	N/A
Ed and Mary	Hardeman	N/A	N/A
Julie	Moore	N/A	N/A
Brad	Pighin	N/A	N/A
Vern	Losh	N/A	N/A
Matt	Kelly	N/A	N/A
Jackie	Austin	N/A	N/A
larry	galupe	N/A	N/A
Mary	Hardeman	N/A	N/A
Jesse	Peralez	N/A	N/A
Angela	Adams	N/A	N/A
Beatrice	Mirelez	N/A	N/A
Chris	Martinez	N/A	N/A
Edward	Evans	N/A	N/A
Monicqua	Brown	N/A	N/A
Matthew	Beeston	N/A	N/A
Albert	Lustre	N/A	N/A
Kathy	Sill	N/A	N/A
Riley	Ahern	N/A	N/A
Jim	Davies	N/A	N/A
Seth	Howard	N/A	N/A
Anthony	Lavaysse	N/A	N/A
Zachary	Vaden	N/A	N/A
christine	Plaxco	N/A	N/A
Tanya	Potter	N/A	N/A
Carlos	Resendez	N/A	N/A
CAS	Safety	N/A	N/A
Christopher	Nielsen	N/A	N/A

Shiloh Resort and Casino Project
NOI Mailing List

Julio	Olague	N/A	N/A
Rene	Baez	N/A	N/A
Oswaldo	Ocegueda de horta	N/A	N/A
Jacque	Hansen	N/A	N/A
israel	avila	N/A	N/A
Gregory	Hill	N/A	N/A
Cyndia	Cole	N/A	N/A
Keith	Roberts	N/A	N/A
Christine	Thuestad	N/A	N/A
Ken & Jeneal	Wells	N/A	N/A
Robin	Goble	N/A	N/A
Todd	Smith	N/A	N/A
Joanne	Rivera	N/A	N/A
Cyndi	Nunez	N/A	N/A
Nina	Lowrey	N/A	N/A
Sally	Peterson	N/A	N/A
Hector	Matias	N/A	N/A
Nick	Ratiani	N/A	N/A
Gisele	Monney	N/A	N/A
Stacy	Iversen	N/A	N/A
Caroline	Gonsalves	N/A	N/A
Scott	Iversen	N/A	N/A
Karen	Fies	N/A	N/A
Juan	Barboza	N/A	N/A
Suni	Levi	N/A	N/A
Patti	Buttitta	N/A	N/A
Michael	Adler	N/A	N/A
Lisa	Buchold	N/A	N/A
Jason	Liles	N/A	N/A
Jerry	Santarpia	N/A	N/A
Mark	Heine-SCFD	N/A	N/A
Danny	Miller	N/A	N/A
Liz	Wescott	N/A	N/A
Sally	Phillips	N/A	N/A
Rita	Bevans	N/A	N/A
Terry	Barboza	N/A	N/A
Joy	Johnson	N/A	N/A
Eileen	Svanda	N/A	N/A

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Jason	P	N/A	N/A
Cliff	Johnson	N/A	N/A
John	Quinn	N/A	N/A
Hank	Schreeder	N/A	N/A
Giovanni	Ottolini	N/A	N/A
Joe	Foppoli	N/A	N/A
Caitlin	Foppoli	N/A	N/A
Nancy	Stoltenberg	N/A	N/A
Martin	McCormick	N/A	N/A
Kristyn	Byrne	N/A	N/A
Deborah	Dearing	N/A	N/A
Chester	Haley	N/A	N/A
Coni	Green	N/A	N/A
Joanne	Dieckmann	N/A	N/A
Evan	Kubota	N/A	N/A
Wendy	Costa	N/A	N/A
Lauren	S	N/A	N/A
Suzi	Mattish	N/A	N/A
Steve	Mason	N/A	N/A
Sally	Robinson	N/A	N/A
Curtis	Ferreira	N/A	N/A
Jennifer	Larson	N/A	N/A
Laura	Pierce	N/A	N/A
Stephanie	Sanchez	N/A	N/A
Mike	Thompson	N/A	N/A
Rory	McCormick	N/A	N/A
Anne	Gray	N/A	N/A
Donna	Pulliam	N/A	N/A
Amy	Bryan	N/A	N/A
Laura	Miranda	N/A	N/A
Jodi	Hottel	N/A	N/A
John	Iverson	N/A	N/A
Tristan	Stidham	N/A	N/A
Matthew	Prott	N/A	N/A
Kathryn	Clamar	N/A	N/A
Francisco	Martinez	N/A	N/A
Joe	Gonzales	N/A	N/A
Rosa	Reynoza	N/A	N/A

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M	Call	N/A	N/A
Greta	Mart	N/A	N/A
jeanine	savello	N/A	N/A
Deena	Stapleton	N/A	N/A
Rich and Debbie	Owens	N/A	N/A
Penny	Calverley	N/A	N/A
Lisa	Lellis	N/A	N/A
Janet	Stapleton	N/A	N/A
Janet	Klain	N/A	N/A
Jessica	Catelani	N/A	N/A
Tracy	Smith	N/A	N/A
David	Savello	N/A	N/A
Shane	Sippel	N/A	N/A
Bill	Boriolo	N/A	N/A
Kathy	Rogina	N/A	N/A
Christa	Milender	N/A	N/A
benedicte	Moens	N/A	N/A
Aaron	Hadzess	N/A	N/A
Don	Roberts	N/A	N/A
Anne	Pagel	N/A	N/A
Megan	Rhodes	N/A	N/A
Karen	McGinn	N/A	N/A
Beth	Rhodes	N/A	N/A
Chris	DeWhitt	N/A	N/A
Kevin	Maxemin	N/A	N/A
Desmond	McCormick	N/A	N/A
Paul	Fisette	N/A	N/A
Ross	Yana	N/A	N/A
Kym	Sawyer	N/A	N/A
Anthony	Savas	N/A	N/A
Jalyne	De Jong	N/A	N/A
Dale	Webb	N/A	N/A
Justin	TenHave	N/A	N/A
Andy	Guy	N/A	N/A
Kristi	Selby	N/A	N/A
Caroline	Zsambok	N/A	N/A
Jung	Liz	N/A	N/A
Debbie	Wright	N/A	N/A

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Kathy	Scherzer	N/A	N/A
Brian	Hemmerlin	N/A	N/A
Rick	Massell	N/A	N/A
Nan	Anderson	N/A	N/A
Megan	Goldsby	N/A	N/A
Eric	Chazankin	N/A	N/A
Margaret	Zaharoff	N/A	N/A
Sean	McGarry	N/A	N/A
J	Hamelburg	N/A	N/A
Misty	Roberti	N/A	N/A
Sherry	Petersen	N/A	N/A
Lorelle	Ross	N/A	N/A
Pat	Moran	N/A	N/A
Jeanine	Hillman	N/A	N/A
Debbie	Lind	N/A	N/A
Ryan	Sitov	N/A	N/A
Maritsa	Bass	N/A	N/A
Jennifer	Green	N/A	N/A
Julie	Carmona	N/A	N/A
Lisa	Shatnawi	N/A	N/A
Mike	Carlson	N/A	N/A
John	Wyman	N/A	N/A
Barbara	Lyon	N/A	N/A
Frank	Chance	N/A	N/A
Veronica	Passalacqua	N/A	N/A
Don	Albini	N/A	N/A
Rob	Muelrath	N/A	N/A
S	Alberts	N/A	N/A
Branden	T	N/A	N/A
Lorraine	Gock	N/A	N/A
Eric	Mendoza	N/A	N/A
Emma	Selvig	N/A	N/A
Finleigh	Sitov	N/A	N/A
Taylor	Hall	N/A	N/A
w	kivett	N/A	N/A
Bishnu	Pandey	N/A	N/A
Caryl	Hart	N/A	N/A
Rob	M	N/A	N/A

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Lillian	Fonseca	N/A	N/A
Jennifer	Klein	N/A	N/A
Michele	Thayer	N/A	N/A
Michele	Carr	N/A	N/A
Mazie	Klein	N/A	N/A
Corbett	Smith	N/A	N/A
Daniel	Post	N/A	N/A
Marcos	Nunez	N/A	N/A
Stephanie	G	N/A	N/A
Scott	Engel	N/A	N/A
Alex	Yakubov	N/A	N/A
Veronica	Sierra	N/A	N/A
Aurelio	Martinez	N/A	N/A
Lori	Laiwa Thomas	N/A	N/A
Gerardo	Perez	N/A	N/A
Steven	J	N/A	N/A
Sharon	Spaulding	N/A	N/A
C	Stoessel	N/A	N/A
Harold	Wright	N/A	N/A
David	Wallen	N/A	N/A
Carolyn	Cantrall	N/A	N/A
Fran	Oglesby	N/A	N/A
Melissa	Kennedy	N/A	N/A
Paula	Capurro	N/A	N/A
Adrienne	Cibor	N/A	N/A
shannon	cotulla	N/A	N/A
Shaun	Bryan	N/A	N/A
Chris	Barney	N/A	N/A
Tyrone	Mitchell	N/A	N/A
Elizabeth	Barney	N/A	N/A
Richard	Armstrong	N/A	N/A
David	Ripperda	N/A	N/A
Lynn	Silva	N/A	N/A
Denise	Conway	N/A	N/A
Nancy	Heath	N/A	N/A
Moke	Simon	N/A	N/A
Ciaran	McCormick	N/A	N/A
Stephanie	Blair	N/A	N/A

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Marcia	Witrogen	N/A	N/A
Peter	Walker	N/A	N/A
Susan	Moore	N/A	N/A
Mary	Pulcheon	N/A	N/A
Don	Wolf	N/A	N/A
Tim and Martha	Meiburg	N/A	N/A
Susan	Rineman	N/A	N/A
Ella	Somawang	District Psychologist	Mark West Union School District
Beth	Wolk	N/A	N/A
Santinka	Taylor	N/A	N/A
Barbara	Coen	N/A	N/A
Jim	Quinn	N/A	N/A
Amanda		N/A	N/A
Norah	Laffan	N/A	N/A
Richard	Plaxco	N/A	N/A
Pietrina	Cargile	N/A	N/A
Ralph	Melaragno PhD	N/A	N/A
JoAnne	Kipp	N/A	N/A
Carmel	Papworth-Barnum	N/A	N/A
Steve	Vogle	N/A	N/A
Leo	Strachan	N/A	N/A
Nancy	Daher	N/A	N/A
Denyse	Specktor	N/A	N/A
Erin	Clark	N/A	N/A
Laura	Ruiz	N/A	N/A
Verna	Campbell	N/A	N/A
Victoria		N/A	N/A
Lev	Gutman	N/A	N/A
Erlinda		N/A	N/A
Edward	Breslin	N/A	N/A
Sandy	Kummer	N/A	N/A
Cecilio	Draculan	N/A	N/A
Timothy	Farris Sr	N/A	N/A
Michael	Smith	N/A	N/A
Janice	Quan	N/A	N/A
Todd	Ashman	N/A	N/A
Gil	Minjares	N/A	N/A
Benh	Lama	N/A	N/A

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Sheena EstherMarie	Vergara	N/A	N/A
Alejandro	Alejandro	N/A	N/A
Cheech	JR	N/A	N/A
Mikaley	Monlo	N/A	N/A
Jose	Sanchez	N/A	N/A
Husam	Ahalim	N/A	N/A
Mello	Masalunga	N/A	N/A
Zachary	Adams	N/A	N/A
Arthur	Seagraves	N/A	N/A
Felix Alden	Mandap	N/A	N/A
Kayla	Patane	N/A	N/A
Lyn	Henderson	N/A	N/A
Chad	Thistle	N/A	N/A
Kimberly	Stone	N/A	N/A
Kimberly	Simoni	N/A	N/A
Dana	O'Gorman	N/A	N/A
Larry	Scharf	N/A	N/A
Barbara	Gurry	N/A	N/A
Sheli		N/A	N/A
Cornelia	Duque	N/A	N/A
Jamie		N/A	N/A
Dorothy Stone	Inouye	N/A	N/A
Desiree	Langston	N/A	N/A
Tanya	Braunstein	N/A	N/A
Kether	Braunstein	N/A	N/A
Amberlee	Bernheim Lewis	N/A	N/A
Mary	Repose	N/A	N/A
Judy	Nassimbene	N/A	N/A
Travis	Shenk	N/A	N/A
James	Gillen	N/A	N/A
Al and Romana	Beltran	N/A	N/A
Sue and Michael	Brook	N/A	N/A
Greg	Schiller	N/A	N/A
Brian	Martin	Sheriff-Coroner-Director of Emergency Services (R	N/A
Beth	Evers	N/A	N/A
Donald Craig	Mitchell	N/A	N/A
Scott	Snow	N/A	N/A
Renee	Lorenz	N/A	N/A

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Susie and Fred	Sedlacek	N/A	N/A
Valerie	McKamey	N/A	N/A
Bruce	DeCrona	N/A	N/A
Suzanne	Cowan	N/A	N/A
Patricia	Restaino	N/A	N/A
George	Bermejo	N/A	N/A
Diana	Brown	N/A	N/A
Emiliano	Calvillo	N/A	N/A
Delina	Loftesnes	N/A	N/A
George	Marrufo	N/A	N/A
Elaine	Pieratt	N/A	N/A
Freedom	Rocca	N/A	N/A
George	Frank	N/A	N/A
Virginia	Beavers	N/A	N/A
Mongo	Campbell	N/A	N/A
Sandra	Husband	N/A	N/A
Emily	Lamb	N/A	N/A
Martin	Cooper	N/A	N/A
Marlene	Lenz	N/A	N/A
Martin	Lake	N/A	N/A
Lu Ellen	Tiernan	N/A	N/A
Debra	Manuel	N/A	N/A
Mark	Neider	N/A	N/A
Janet	Gunn	N/A	N/A
Blanca	Carrillo	N/A	N/A
Richard	Girard	N/A	N/A
Erica	Stofle	N/A	N/A
Rita	Diserly	N/A	N/A
Jonathan	Holt	N/A	N/A
Recio	Danos	N/A	N/A
Ji	Hsieh	N/A	N/A
Regina	Bertolucci	N/A	N/A
Ofelia	Paulson	N/A	N/A
Pete	Varma	N/A	N/A
Randall	Tom	N/A	N/A
Teresa	Diaz	N/A	N/A
Kim		N/A	N/A
Rose	Uribe	N/A	N/A

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Mario		N/A	N/A
Sally	White	N/A	N/A
Jason	Pronzini	N/A	N/A
Margret	Brown	N/A	N/A
Carlos	Hernandez	N/A	N/A
Mario	Jimenez	N/A	N/A
Emil	DeGuzman	N/A	N/A
Nina	Guidry	N/A	N/A
Nathan	Bedser	N/A	N/A
Raul	Guillen Tovar	N/A	N/A
Rodolfo	Camarena	N/A	N/A
Rhonda	Killian	N/A	N/A
Seleta	E.	N/A	N/A
Allison	Scott	N/A	N/A
Luella	Padilla	N/A	N/A
James	Demercurio	N/A	N/A
Jane	Partida	N/A	N/A
Johnathan	Costillas	N/A	N/A
Jean	Davis	N/A	N/A
Ambrosio	Vigil	N/A	N/A
Michelle	Wielgus	N/A	N/A
Alfonso	Morales	N/A	N/A
James	Theberge	N/A	N/A
Godofredo	Nacion	N/A	N/A
Alice	Becerra	N/A	N/A
Amel	Ojeda	N/A	N/A
Roseann	Coil	N/A	N/A

Appendix C
Scoping Comments

Scoping Comment Letter List

Log #	Name	Title	Organization	Date	Received
	Agencies				
S-A1	California Highway Patrol- Santa Rosa Area	Ross Ingels, Lieutenant	California Highway Patrol- Santa Rosa	10/23/2023	Comment on EA
S-A2	California Department of Transportation	Yunsheng Luo, Branch Chief, Local Development Review	District 4, Office of Regional and Community Planning	10/27/2023	Comment on EA
S-A3	US EPA, Region 9	Jean Prijatel, Manager, Environmental Review Branch	Environmental Review Branch, Tribal, Intergovernmental and Policy Division	11/8/2023	Comment on EA
S-A4	California Department of Fish and Wildlife	Erin Chappell, Regional Manager	Bay Delta Region	11/8/2023	Comment on EA
S-A5	Sonoma County Fire District	Fire Chief	Mike Heine, Fire Chief	11/10/2023	Comment on EA
S-A6	Town of Windsor	Community Development Director	Patrick N. Streeter	11/13/2023	Comment on EA
S-A7	Santa Rosa Plain Groundwater Sustainability Agency	Administrator	Andy Rodgers	11/13/2023	Comment on EA
S-A8	Sonoma County California	Office of the County Counsel	Robert H. Pittman, County Counsel	11/13/2023	Comment on EA
S-A9	City of Rohnert Park	City Hall; Mayor	Samantha Rodriguez, Mayor	11/8/2023	Comment on EA
S-A10	Town of Windsor	Town Manager	Jon Davis	1/16/2024	Comment on NOI
S-A11	Sonoma County California	Office of the County Counsel	Robert H. Pittman, County Counsel; Verne Ball	4/5/2024	Comment on NOI
S-A12	Town of Windsor	Community Development Director	Patrick N. Streeter	4/7/2024	Comment on NOI
S-A13	Town of Windsor	Community Development Director	Patrick N. Streeter	4/7/2024	Comment on NOI
	Tribes				
S-T1	Victoria Martin	Tribal Vice-Chairwoman	Augustine Band of Cahuilla Indians	10/17/2023	Comment on EA
S-T2	Chris Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	10/2/2023	Comment on EA
S-T3	Andy Mejia	Chairperson	Lytton Rancheria, Lytton Band of Pomo Indians	11/9/2023	Comment on EA
S-T4	Erica M. Pinto and others	Tribal Council Members	Jamul Indian Village of California	11/10/2023	Comment on EA
S-T5	Patricia Hermosillo	Tribal Chairperson	Cloverdale Rancheria of Pomo Indians of California	11/12/2023	Comment on EA
S-T6	Greg Sarris	Chairman	Federated Indians of Graton Rancheria	11/13/2023	Comment on EA
S-T7	Chris Wright	Tribal Chairman	Dry Creek Rancheria Band of Pomo Indians	11/13/2023	Comment on EA
S-T8	Andy Mejia	Chairperson	Lytton Rancheria, Lytton Band of Pomo Indians	3/29/2024	Comment on NOI
S-T9	Greg Sarris	Chairman	Federated Indians of Graton Rancheria	4/8/2024	Comment on NOI

Scoping Comment Letter List

	Organizations				
S-O1	Mike Rosetti	N/A	Rosetti Insurance Agency	9/14/2023	Comment on EA
S-O2	Brian R. Hunsaker	N/A	Hunsaker Insurance Agency	9/12/2023	Comment on EA
S-O3	Henry Belmonte	N/A	VJB Cellars and Wellington Cellars	9/27/2023	Comment on EA
S-O4	Marlene Soiland	Owner/President	Soiland Management Co., Inc.	10/4/2023	Comment on EA
S-O5	Alan Titus	N/A	Robb and Ross	10/27/2023	Comment on EA
S-O6	Larry Barnum	HOA Board President	Wikiup Greens	11/12/2023	Comment on EA
S-O7	Amber Feri	Director of Operations	Hiraeth Homes	3/15/2024	Comment on NOI
S-O8	Lauren Hickey Porcella	Commercial Real Estate Appraiser	Hickey Appraisals	3/18/2024	Comment on NOI
S-O9	Padi Selwyn	Co-Chair	Preserve Rural Sonoma County	4/8/2024	Comment on NOI
	Individuals				
S-I1	Linda Bryan	N/A	N/A	9/12/2023	Comment on EA
S-I2	Nancy W Jenkins	N/A	N/A	9/12/2023	Comment on EA
S-I3	Sean Harrell	N/A	N/A	9/12/2023	Comment on EA
S-I4	Shannon Schiller	N/A	N/A	9/12/2023	Comment on EA
S-I5	Steven Gerstle	N/A	N/A	9/13/2023	Comment on EA
S-I6	Robert Brink	N/A	N/A	9/15/2023	Comment on EA
S-I7	Therese Menzel	N/A	N/A	9/15/2023	Comment on EA
S-I8	Eugenia M Casteel	N/A	N/A	9/12/2023	Comment on EA
S-I9	Sophia Bonanno	N/A	N/A	9/13/2023	Comment on EA
S-I10	Dingrenio Bautista	N/A	N/A	9/13/2023	Comment on EA
S-I11	Dapsha Sherpa	N/A	N/A	9/8/2023	Comment on EA
S-I12	Mestrina Medios	N/A	N/A	9/8/2023	Comment on EA
S-I13	Eric Mak	N/A	N/A	9/10/2023	Comment on EA
S-I14	Tisha Zolnowsky	N/A	N/A	9/15/2023	Comment on EA
S-I15	Dave Heventhal	N/A	N/A	9/16/2023	Comment on EA
S-I16	Crystal Golias	N/A	N/A	9/17/2023	Comment on EA
S-I17	Louise Calderon	N/A	N/A	9/18/2023	Comment on EA
S-I18	Cindy Nardi	N/A	N/A	9/19/2023	Comment on EA
S-I19	Diane Baines	N/A	N/A	9/19/2023	Comment on EA
S-I20	Jon Bernal	N/A	N/A	9/19/2023	Comment on EA

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S-I21	Carrie Marvin	N/A	N/A	9/19/2023	Comment on EA
S-I22	Ronald Calloway	N/A	N/A	9/19/2023	Comment on EA
S-I23	No Name	N/A	N/A	9/20/2023	Comment on EA
S-I24	Jenny Herzberger	N/A	N/A	9/21/2023	Comment on EA
S-I25	Scott Horton	N/A	N/A	9/21/2023	Comment on EA
S-I26	Trini Amador	N/A	N/A	9/21/2023	Comment on EA
S-I27	Stefan and Kathy Parnay	N/A	N/A	9/22/2023	Comment on EA
S-I28	Kathy Kerst	N/A	N/A	9/23/2023	Comment on EA
S-I29	Adam MacLeod	N/A	N/A	9/24/2023	Comment on EA
S-I30	Dinah Costello	N/A	N/A	9/24/2023	Comment on EA
S-I31	Lori Pennato	N/A	N/A	9/24/2023	Comment on EA
S-I32	Mary Gardner	N/A	N/A	9/24/2023	Comment on EA
S-I33	Bryan Lobao	N/A	N/A	9/24/2023	Comment on EA
S-I34	Cammy Bennett	N/A	N/A	9/24/2023	Comment on EA
S-I35	Maralee Parsons	N/A	N/A	9/24/2023	Comment on EA
S-I36	Melodi Walton	N/A	N/A	9/25/2023	Comment on EA
S-I37	Katie Douglas	N/A	N/A	9/25/2023	Comment on EA
S-I38	A.P. and Janet Marsten	N/A	N/A	9/25/2023	Comment on EA
S-I39	Arash Behrouz	N/A	N/A	9/25/2023	Comment on EA
S-I40	Neal and Ruth Weeks	N/A	N/A	9/25/2023	Comment on EA
S-I41	Andy Westbom	N/A	N/A	9/25/2023	Comment on EA
S-I42	Rick and Kathy Hansen	N/A	N/A	9/25/2023	Comment on EA
S-I43	Heidi Doggwiler	N/A	N/A	9/25/2023	Comment on EA
S-I44	Carol Brown	N/A	N/A	9/25/2023	Comment on EA
S-I45	Mary Lou and Eligio Velasquez	N/A	N/A	9/25/2023	Comment on EA
S-I46	Richard Kluck	N/A	N/A	9/25/2023	Comment on EA
S-I47	Annette Flachman	N/A	N/A	9/25/2023	Comment on EA
S-I48	Lillian Fonseca Cierley	N/A	N/A	9/25/2023	Comment on EA
S-I49	Laurie Leach	N/A	N/A	9/25/2023	Comment on EA
S-I50	Carol and Joe Rash	N/A	N/A	9/25/2023	Comment on EA

Scoping Comment Letter List

S-I51	Terry Abrams	N/A	N/A	9/25/2023	Comment on EA
S-I52	Karen Saari	N/A	N/A	9/25/2023	Comment on EA
S-I53	Brooke Green	N/A	N/A	9/25/2023	Comment on EA
S-I54	Valerie Zanette	N/A	N/A	9/25/2023	Comment on EA
S-I55	Gerry and Cathy Wall	N/A	N/A	9/25/2023	Comment on EA
S-I56	Tim Swanson	N/A	N/A	9/25/2023	Comment on EA
S-I57	Rochell Letasi	N/A	N/A	9/26/2023	Comment on EA
S-I58	Dennis Blasi	N/A	N/A	9/26/2023	Comment on EA
S-I59	Mary Grishaver	N/A	N/A	9/26/2023	Comment on EA
S-I60	Jeanne Harris Powell	N/A	N/A	9/26/2023	Comment on EA
S-I61	Sheryl Lawton	N/A	N/A	9/26/2023	Comment on EA
S-I62	Gina Gillen	N/A	N/A	9/26/2023	Comment on EA
S-I63	Jeanne and Richard Duben	N/A	N/A	9/26/2023	Comment on EA
S-I64	Karen Bronder-Reynolds	N/A	N/A	9/26/2023	Comment on EA
S-I65	Julius Orth	N/A	N/A	9/26/2023	Comment on EA
S-I66	Jackie Ganiy	N/A	N/A	9/26/2023	Comment on EA
S-I67	Robert Rowland	N/A	N/A	9/26/2023	Comment on EA
S-I68	Michael Skaggs	N/A	N/A	9/27/2023	Comment on EA
S-I69	William Bolster	N/A	N/A	9/27/2023	Comment on EA
S-I70	Roger Nichols	N/A	N/A	9/27/2023	Comment on EA
S-I71	Murray Evans	N/A	N/A	9/27/2023	Comment on EA
S-I72	Richard Zolli	N/A	N/A	9/27/2023	Comment on EA
S-I73	Mary Hess	N/A	N/A	9/13/2023	Comment on EA
S-I74	Spencer Pahlke	N/A	N/A	9/28/2023	Comment on EA
S-I75	Alexandria Mangold	N/A	N/A	9/27/2023	Comment on EA
S-I76	Mary-Frances Makichen	N/A	N/A	9/27/2023	Comment on EA
S-I77	Gary Furness	N/A	N/A	9/27/2023	Comment on EA
S-I78	Elizabeth Allen	N/A	N/A	9/27/2023	Comment on EA
S-I79	Kevin Warren	N/A	N/A	9/27/2023	Comment on EA
S-I80	Patsy Des Jardins Warren	N/A	N/A	9/27/2023	Comment on EA
S-I81	Molly Weiss	N/A	N/A	9/27/2023	Comment on EA

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S-I82	Robert Kloetzer	N/A	N/A	9/27/2023	Comment on EA
S-I83	Karen Guerin	N/A	N/A	9/28/2023	Comment on EA
S-I84	Paige Mazzoni and Brad Pighin	N/A	N/A	9/27/2023	Comment on EA
S-I85	Sean Jones	N/A	N/A	9/28/2023	Comment on EA
S-I86	Brad and Joan Chance	N/A	N/A	9/28/2023	Comment on EA
S-I87	Janice Kane	N/A	N/A	9/28/2023	Comment on EA
S-I88	Ken Moholt-Siebert	N/A	N/A	9/28/2023	Comment on EA
S-I89	Laurel Jew	N/A	N/A	9/28/2023	Comment on EA
S-I90	Jon Phillips	N/A	N/A	9/28/2023	Comment on EA
S-I91	Glenn McCrea	N/A	N/A	9/28/2023	Comment on EA
S-I92	Lynne Alarie	N/A	N/A	9/28/2023	Comment on EA
S-I93	Robin Weller	N/A	N/A	9/28/2023	Comment on EA
S-I94	Belva Mitchell	N/A	N/A	9/28/2023	Comment on EA
S-I95	Anne Terry	N/A	N/A	9/28/2023	Comment on EA
S-I96	David Lemos	N/A	N/A	9/28/2023	Comment on EA
S-I97	Ron and Michelle Blanc	N/A	N/A	10/3/2023	Comment on EA
S-I98	Tonie Bass	N/A	N/A	9/29/2023	Comment on EA
S-I99	Tracy Wallace	N/A	N/A	9/29/2023	Comment on EA
S-I100	Peter Stickney	N/A	N/A	9/29/2023	Comment on EA
S-I101	Lisa Bollman	N/A	N/A	9/29/2023	Comment on EA
S-I102	Neise Turchin	N/A	N/A	9/29/2023	Comment on EA
S-I103	Barbara Collin	N/A	N/A	9/29/2023	Comment on EA
S-I104	Cecilia M. Aguiar-Curry	Speaker Pro Tempore	Assembly California Legislature	9/26/2023	Comment on EA
S-I105	Kenneth Pietrelli	N/A	N/A	9/29/2023	Comment on EA
S-I106	Peter Walker	N/A	N/A	9/29/2023	Comment on EA
S-I107	Brittany Nies and Family	N/A	N/A	9/29/2023	Comment on EA
S-I108	Victoria Petersen	N/A	N/A	9/29/2023	Comment on EA
S-I109	Leigh Meyer	N/A	N/A	9/29/2023	Comment on EA
S-I110	Stephanie Starr	N/A	N/A	9/30/2023	Comment on EA
S-I111	Sarah Vandegriff	N/A	N/A	10/1/2023	Comment on EA
S-I112	Damon Connolly	Assembly Member, Twelfth District	Assembly California Legislature	10/2/2023	Comment on EA
S-I113	Eric Pham	N/A	N/A	10/2/2023	Comment on EA
S-I114	Amy Hoover	N/A	N/A	10/3/2023	Comment on EA
S-I115	Nathan Strong	N/A	N/A	10/4/2023	Comment on EA
S-I116	Bill Bolster	N/A	N/A	10/4/2023	Comment on EA
S-I117	Mona Hanes	N/A	N/A	10/5/2023	Comment on EA

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S-I118	Angelito Andaluz	N/A	N/A	9/21/2023	Comment on EA
S-I119	Crysta Diamante	N/A	N/A	9/29/2023	Comment on EA
S-I120	Kevin Desai	N/A	N/A	9/29/2023	Comment on EA
S-I121	Calvin Kandarian	N/A	N/A	9/19/2023	Comment on EA
S-I122	Erendira Garcia	N/A	N/A	9/28/2023	Comment on EA
S-I123	Christine and Richard Plaxco	N/A	N/A	10/6/2023	Comment on EA
S-I124	Bonnie Farrow	N/A	N/A	10/6/2023	Comment on EA
S-I125	Marcia Witrogen	N/A	N/A	10/6/2023	Comment on EA
S-I126	Peter Walker	N/A	N/A	9/30/2023	Comment on EA
S-I127	Cynthia Conway	N/A	N/A	9/28/2023	Comment on EA
S-I128	Jeanne Harris Powell	N/A	N/A	9/25/2023	Comment on EA
S-I129	Susan Moore	N/A	N/A	9/28/2023	Comment on EA
S-I130	Brad and Joan Chance	N/A	N/A	9/27/2023	Comment on EA
S-I131	Judith and John Coppedge	N/A	N/A	10/2/2023	Comment on EA
S-I132	Mary Catelani	N/A	N/A	10/2/2023	Comment on EA
S-I133	Dennis Catelani	N/A	N/A	10/2/2023	Comment on EA
S-I134	Mary Pulcheon	N/A	N/A	10/3/2023	Comment on EA
S-I135	Robert Rowland	N/A	N/A	9/28/2023	Comment on EA
S-I136	Dennis Blasi	N/A	N/A	9/28/2023	Comment on EA
S-I137	Stefan and Kathy Parnay	N/A	N/A	9/27/2023	Comment on EA
S-I138	Carrie Marvin	N/A	N/A	9/29/2023	Comment on EA
S-I139	Tisha Zolnowsky	N/A	N/A	9/28/2023	Comment on EA
S-I140	Katherine Schram	N/A	N/A	10/7/2023	Comment on EA
S-I141	Don Wolf	N/A	N/A	10/8/2023	Comment on EA
S-I142	Tim and Martha Meiburg	N/A	N/A	10/9/2023	Comment on EA
S-I143	Lance Cottrell	N/A	N/A	10/9/2023	Comment on EA
S-I144	Susan Rineman	N/A	N/A	10/9/2023	Comment on EA
S-I145	Ella Somawang	District Psychologist	Mark West Union School District	10/10/2023	Comment on EA
S-I146	Beth Wolk	N/A	N/A	10/10/2023	Comment on EA
S-I147	Santinka Taylor	N/A	N/A	10/11/2023	Comment on EA
S-I148	Barbara Cottrell	N/A	N/A	10/11/2023	Comment on EA

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S-I149	Chris Lamela	N/A	N/A	10/10/2023	Comment on EA
S-I150	Richard Boyd	N/A	N/A	10/13/2023	Comment on EA
S-I151	Amy Ramsey	N/A	N/A	10/14/2023	Comment on EA
S-I152	Brian Williams	N/A	N/A	10/14/2023	Comment on EA
S-I153	Barbara A. Coen	N/A	N/A	10/15/2023	Comment on EA
S-I154	Jim Quinn	N/A	N/A	10/15/2023	Comment on EA
S-I155	Amanda Claiborne	N/A	N/A	10/15/2023	Comment on EA
S-I156	Debra Avanche	N/A	N/A	10/15/2023	Comment on EA
S-I157	Harold Minkin	N/A	N/A	10/15/2023	Comment on EA
S-I158	Norah Laffan	N/A	N/A	10/16/2023	Comment on EA
S-I159	Jim Quinn	N/A	N/A	10/16/2023	Comment on EA
S-I160	Richard Plaxco	N/A	N/A	10/16/2023	Comment on EA
S-I161	Pietrina Cargile	N/A	N/A	10/12/2023	Comment on EA
S-I162	Laurie Landry	N/A	N/A	10/12/2023	Comment on EA
S-I163	Claudia Volpi	N/A	N/A	10/19/2023	Comment on EA
S-I164	Elizabeth Acosta	N/A	N/A	9/28/2023	Comment on EA
S-I165	Frances Soiland	N/A	N/A	10/9/2023	Comment on EA
S-I166	Stephen and Karen Marcelino	N/A	N/A	10/5/2023	Comment on EA
S-I167	Debra M. Marincik	N/A	N/A	10/4/2023	Comment on EA
S-I168	Barbara Collin	N/A	N/A	9/29/2023	Comment on EA
S-I169	Bill Dodd	Senator, District 3	California State Senate	10/20/2023	Comment on EA
S-I170	Dinah Costello	N/A	N/A	10/22/2023	Comment on EA
S-I171	Kristine Hannigan	N/A	N/A	10/22/2023	Comment on EA
S-I172	Susan Frey	N/A	N/A	10/22/2023	Comment on EA
S-I173	Richard Owens	N/A	N/A	10/23/2023	Comment on EA
S-I174	Brittany Nies and Family	N/A	N/A	10/20/2023	Comment on EA
S-I175	Ralph J. Melaragno, PhD	N/A	N/A	10/21/2023	Comment on EA
S-I176	JoAnne Kipp	N/A	N/A	10/21/2023	Comment on EA
S-I177	Janine and Greg Heath	N/A	N/A	10/22/2023	Comment on EA
S-I178	Carmel Papworth-Barnum	N/A	N/A	10/22/2023	Comment on EA
S-I179	Stephen and Kathleen Lawrence	N/A	N/A	10/22/2023	Comment on EA
S-I180	Richard and Margaret Addison	N/A	N/A	10/22/2023	Comment on EA
S-I181	Steve Vogle	N/A	N/A	10/24/2023	Comment on EA
S-I182	Leo Strachan	N/A	N/A	10/25/2023	Comment on EA

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S-I183	Nancy Daher	N/A	N/A	10/26/2023	Comment on EA
S-I184	Dale Webb	N/A	N/A	10/25/2023	Comment on EA
S-I185	Denyse Specktor	N/A	N/A	10/26/2023	Comment on EA
S-I186	Geoff Coleman	N/A	N/A	10/26/2023	Comment on EA
S-I187	Geoff Coleman	N/A	N/A	10/27/2023	Comment on EA
S-I188	Sasha Fuller	N/A	N/A	10/27/2023	Comment on EA
S-I189	Erin Easton Clark	N/A	N/A	10/30/2023	Comment on EA
S-I190	Laura Ruiz	N/A	N/A	10/28/2023	Comment on EA
S-I191	Verna Campbell	N/A	N/A	10/28/2023	Comment on EA
S-I192	Victoria	N/A	N/A	10/29/2023	Comment on EA
S-I193	Lev Gutman	N/A	N/A	10/19/2023	Comment on EA
S-I194	Erlinda	N/A	N/A	10/19/2023	Comment on EA
S-I195	Edward Breslin	N/A	N/A	10/19/2023	Comment on EA
S-I196	Sandy Kummer	N/A	N/A	10/19/2023	Comment on EA
S-I197	Cecilio Draculan	N/A	N/A	10/20/2023	Comment on EA
S-I198	Timothy Farris Sr	N/A	N/A	10/22/2023	Comment on EA
S-I199	Michael Smith	N/A	N/A	10/22/2023	Comment on EA
S-I200	Janice Quan	N/A	N/A	10/22/2023	Comment on EA
S-I201	Todd Ashman	N/A	N/A	10/22/2023	Comment on EA
S-I202	Gil Minjares	N/A	N/A	10/22/2023	Comment on EA
S-I203	Benh Lama	N/A	N/A	10/21/2023	Comment on EA
S-I204	Sheena EstherMarie Vergara	N/A	N/A	10/23/2023	Comment on EA

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S-I205	Alejandro Alejandro	N/A	N/A	10/24/2023	Comment on EA
S-I206	Cheech JR	N/A	N/A	10/24/2023	Comment on EA
S-I207	Mikaley Monlo	N/A	N/A	10/24/2023	Comment on EA
S-I208	Jose Sanchez	N/A	N/A	10/27/2023	Comment on EA
S-I209	Husam Ahalim	N/A	N/A	10/28/2023	Comment on EA
S-I210	Mello Masalunga	N/A	N/A	10/28/2023	Comment on EA
S-I211	Zachary Adams	N/A	N/A	10/28/2023	Comment on EA
S-I212	Arthur Seagraves	N/A	N/A	10/27/2023	Comment on EA
S-I213	Feliz Alden Mandap	N/A	N/A	10/28/2023	Comment on EA
S-I214	Patricia Arnold Kempton	N/A	N/A	10/27/2023	Comment on EA
S-I215	Kayla Patane	N/A	N/A	10/28/2023	Comment on EA
S-I216	Christine Thuestad	N/A	N/A	10/28/2023	Comment on EA
S-I217	Suzanne Calloway	N/A	N/A	10/29/2023	Comment on EA
S-I218	Lyn Henderson and Bruce Marks	N/A	N/A	10/29/2023	Comment on EA
S-I219	Jacques Carter	N/A	N/A	10/29/2023	Comment on EA
S-I220	Chad Thistle	N/A	N/A	10/29/2023	Comment on EA
S-I221	Kimberly Stone	N/A	N/A	10/30/2023	Comment on EA
S-I222	Kimberly Simoni	N/A	N/A	10/30/2023	Comment on EA
S-I223	Rita Nickles	N/A	N/A	10/31/2023	Comment on EA
S-I224	Lyn Henderson	N/A	N/A	10/31/2023	Comment on EA
S-I225	Dana O'Gorman	N/A	N/A	10/31/2023	Comment on EA
S-I226	Larry Scharf	N/A	N/A	10/31/2023	Comment on EA
S-I227	Anne Gray	N/A	N/A	11/1/2023	Comment on EA
S-I228	Barbara Gurry	N/A	N/A	11/1/2023	Comment on EA
S-I229	William V. McCormick	N/A	N/A	11/1/2023	Comment on EA

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S-I230	Sheli	N/A	N/A	10/29/2023	Comment on EA
S-I231	Cornelia Duque	N/A	N/A	10/30/2023	Comment on EA
S-I232	Jamie	N/A	N/A	11/1/2023	Comment on EA
S-I233	Dorothy Stone Inouye	N/A	N/A	10/29/2023	Comment on EA
S-I234	Jim Quinn	N/A	N/A	11/1/2023	Comment on EA
S-I235	Ron and Carrie Myers	N/A	N/A	11/1/2023	Comment on EA
S-I236	Desiree Langston	N/A	N/A	11/2/2023	Comment on EA
S-I237	Tanya Braunstein	N/A	N/A	11/2/2023	Comment on EA
S-I238	Claudia and Richard Abend	N/A	N/A	11/2/2023	Comment on EA
S-I239	Richard Abend	N/A	N/A	11/2/2023	Comment on EA
S-I240	Brenda Catelani	N/A	N/A	11/2/2023	Comment on EA
S-I241	Richard Abend	N/A	N/A	11/2/2023	Comment on EA
S-I242	Kether Braunstein	N/A	N/A	11/3/2023	Comment on EA
S-I243	Elizabeth Acosta and Stephen Rios	N/A	N/A	11/5/2023	Comment on EA
S-I244	Mark Catelani	N/A	N/A	11/5/2023	Comment on EA
S-I245	Mary McCarty	N/A	N/A	11/6/2023	Comment on EA
S-I246	Amberlee Bernheim Lewis	N/A	N/A	11/6/2023	Comment on EA
S-I247	Mary Repose	N/A	N/A	11/6/2023	Comment on EA
S-I248	Diana Borges	N/A	N/A	11/7/2023	Comment on EA
S-I249	Judy Nassimbene	N/A	N/A	11/7/2023	Comment on EA
S-I250	Lynda Williams	N/A	N/A	11/7/2023	Comment on EA
S-I251	Betsy Mallace	N/A	N/A	11/7/2023	Comment on EA
S-I252	Jim Wright	N/A	N/A	11/7/2023	Comment on EA
S-I253	Josh Ratiani	Pastor	Shiloh Neighborhood Church	11/7/2023	Comment on EA
S-I254	Melissa Fox Kennedy	N/A	N/A	11/7/2023	Comment on EA
S-I255	Travis Shenk	N/A	N/A	11/8/2023	Comment on EA
S-I256	Jim Quinn	N/A	N/A	11/8/2023	Comment on EA
S-I257	Paul Godowski	N/A	N/A	11/8/2023	Comment on EA

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S-I258	Karen Fies	N/A	N/A	11/9/2023	Comment on EA
S-I259	Josephine Hamilton	N/A	N/A	11/9/2023	Comment on EA
S-I260	James J. Gillen	N/A	N/A	11/9/2023	Comment on EA
S-I261	Claudia and Richard Abend	N/A	N/A	11/9/2023	Comment on EA
S-I262	Ed and Mary Hardeman	N/A	N/A	11/9/2023	Comment on EA
S-I263	Jacqueline Austin	N/A	N/A	11/9/2023	Comment on EA
S-I264	Gino Rantissi	N/A	N/A	11/10/2023	Comment on EA
S-I265	Debbie Lind	N/A	N/A	11/10/2023	Comment on EA
S-I266	Al and Romana Beltran	N/A	N/A	11/10/2023	Comment on EA
S-I267	Steve and Jill Plamann	N/A	N/A	11/11/2023	Comment on EA
S-I268	Janice Sexton	N/A	N/A	11/11/2023	Comment on EA
S-I269	Sue and Michael Brook	N/A	N/A	11/11/2023	Comment on EA
S-I270	Shannon Schiller	N/A	N/A	11/10/2023	Comment on EA
S-I271	Greg Schiller	N/A	N/A	11/10/2023	Comment on EA
S-I272	Brian Martin	Sheriff-Coroner-Director of Emergency Services (Retired)		11/11/2023	Comment on EA
S-I273	C Belden	N/A	N/A	11/11/2023	Comment on EA
S-I274	Michael Cote	N/A	N/A	11/12/2023	Comment on EA
S-I275	Rev. Nikolas Ratiani	N/A	N/A	11/12/2023	Comment on EA
S-I276	Beth Evers	N/A	N/A	11/12/2023	Comment on EA
S-I277	Catherine Ernst	N/A	N/A	11/12/2023	Comment on EA
S-I278	David and Sandra George	N/A	N/A	11/12/2023	Comment on EA
S-I279	Donald Craig Mitchell	N/A	N/A	11/13/2023	Comment on EA
S-I280	Sidnee Cox	N/A	N/A	11/13/2023	Comment on EA
S-I281	Scott Snow	N/A	N/A	11/13/2023	Comment on EA
S-I282	Paul and Stephanie Browning	N/A	N/A	11/13/2023	Comment on EA
S-I283	Walter and Pam Bruszewski	N/A	N/A	11/13/2023	Comment on EA
S-I284	Renee Lorenz	N/A	N/A	11/13/2023	Comment on EA
S-I285	Dylan Whittemore	N/A	N/A	11/13/2023	Comment on EA
S-I286	Susie and Fred Sedlacek	N/A	N/A	11/13/2023	Comment on EA
S-I287	Valerie McKamey	N/A	N/A	11/1/2023	Comment on EA
S-I288	Lynn Darst	N/A	N/A	10/5/2023	Comment on EA
S-I289	Kristine Lynn Anderson-Manos	N/A	Allstate Mortgage Company	9/21/2023	Comment on EA
S-I290	Bruce DeCrona	N/A	N/A	11/5/2023	Comment on EA
S-I291	Nancy Larson	N/A	N/A	11/6/2023	Comment on EA
S-I292	Wilbur Larson	N/A	N/A	11/6/2023	Comment on EA
S-I293	Suzanne Cowan	N/A	N/A	10/18/2023	Comment on EA

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S-I294	Christine Plaxco	N/A	N/A	10/15/2023	Comment on EA
S-I295	Virginia Gillen	N/A	N/A	11/6/2023	Comment on EA
S-I296	Pamela and Robert Janes	N/A	N/A	11/10/2023	Comment on EA
S-I297	Don Ziskin	N/A	N/A	11/8/2023	Comment on EA
S-I298	Robert and Pamela Janes	N/A	N/A	11/9/2023	Comment on EA
S-I299	Denyse Specktor	N/A	N/A	3/8/2024	Comment on NOI
S-I300	Arash Behrouz	N/A	N/A	3/8/2024	Comment on NOI
S-I301	Pamela Geiss	N/A	N/A	3/8/2024	Comment on NOI
S-I302	Mary Ann Zolli	N/A	N/A	3/9/2024	Comment on NOI
S-I303	Michelle Henry	N/A	N/A	3/9/2024	Comment on NOI
S-I304	Sheryl Lawton	N/A	N/A	3/9/2024	Comment on NOI
S-I305	Laurie Smith	N/A	N/A	3/9/2024	Comment on NOI
S-I306	A.P. and Janet Marsten	N/A	N/A	3/11/2024	Comment on NOI
S-I307	Mary Catelani	N/A	N/A	3/9/2024	Comment on NOI
S-I308	Marie Eddy	N/A	N/A	3/9/2024	Comment on NOI
S-I309	Heidi Doggwiler	N/A	N/A	3/11/2024	Comment on NOI
S-I310	Barbara Coen	N/A	N/A	3/11/2024	Comment on NOI
S-I311	Marilyn Parsons-Volpert	N/A	N/A	3/11/2024	Comment on NOI
S-I312	Raul Guillen	N/A	N/A	3/11/2024	Comment on NOI
S-I313	Rosanna and Regan Arndt	N/A	N/A	3/11/2024	Comment on NOI
S-I314	William and Joan Bolster	N/A	N/A	3/11/2024	Comment on NOI
S-I315	Rochell Letasi	N/A	N/A	3/12/2024	Comment on NOI
S-I316	Nancy Daher	N/A	N/A	3/12/2024	Comment on NOI
S-I317	Penny Calverley	N/A	N/A	3/12/2024	Comment on NOI
S-I318	Peter Walker	N/A	N/A	3/13/2024	Comment on NOI
S-I319	Catherine Correia	N/A	N/A	3/15/2024	Comment on NOI
S-I320	Pam Pizzimenti	N/A	N/A	3/15/2024	Comment on NOI
S-I321	Karen Fies	N/A	N/A	3/18/2024	Comment on NOI
S-I322	Valerie Zanette	N/A	N/A	3/15/2024	Comment on NOI
S-I323	Daniel Pellegrini	N/A	N/A	3/15/2024	Comment on NOI
S-I324	Craig Scott	N/A	N/A	3/15/2024	Comment on NOI
S-I325	MK Campbell	N/A	N/A	3/15/2024	Comment on NOI
S-I326	Kathy and Stefan Parnay	N/A	N/A	3/15/2024	Comment on NOI

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S-I327	Kathleen and John Reiche	N/A	N/A	3/15/2024	Comment on NOI
S-I328	Mary Ann Huckabay	N/A	N/A	3/15/2024	Comment on NOI
S-I329	Cathleen Belden	N/A	N/A	3/15/2024	Comment on NOI
S-I330	Nancy Lindell	N/A	N/A	3/15/2024	Comment on NOI
S-I331	Denise Gill	N/A	N/A	3/15/2024	Comment on NOI
S-I332	Amy and Chris Hoover	N/A	N/A	3/14/2024	Comment on NOI
S-I333	Carrie Marvin	N/A	N/A	3/14/2024	Comment on NOI
S-I334	Brett Wright	N/A	N/A	3/14/2024	Comment on NOI
S-I335	Lynne Carpenter	N/A	N/A	3/14/2024	Comment on NOI
S-I336	Paul Lynch	N/A	N/A	3/15/2024	Comment on NOI
S-I337	Matthew Culmore	N/A	N/A	3/16/2024	Comment on NOI
S-I338	Annette Flachman	N/A	N/A	3/17/2024	Comment on NOI
S-I339	Louise Calderon	N/A	N/A	3/17/2024	Comment on NOI
S-I340	Kathy Doran	N/A	N/A	3/17/2024	Comment on NOI
S-I341	Martha Clark	N/A	N/A	3/17/2024	Comment on NOI
S-I342	Kenneth Pietrelli	N/A	N/A	3/17/2024	Comment on NOI
S-I343	Meredith Strom	N/A	N/A	3/18/2024	Comment on NOI
S-I344	Mark Hauser	N/A	N/A	3/18/2024	Comment on NOI
S-I345	Ralph Melaragno	N/A	N/A	3/18/2024	Comment on NOI
S-I346	Paige Mazzoni Ostheimer and Brad Pighin	N/A	N/A	3/19/2024	Comment on NOI
S-I347	Richard Kluck	N/A	N/A	3/19/2024	Comment on NOI
S-I348	Peter Pelham	N/A	N/A	3/19/2024	Comment on NOI
S-I349	Don Taylor	N/A	N/A	3/19/2024	Comment on NOI
S-I350	Sally and Ron Grassi	N/A	N/A	3/19/2024	Comment on NOI
S-I351	Kate Stevens	N/A	N/A	3/19/2024	Comment on NOI
S-I352	Emily Carlson	N/A	N/A	3/19/2024	Comment on NOI
S-I353	Mike Skaggs	N/A	N/A	3/20/2024	Comment on NOI
S-I354	C Belden	N/A	N/A	3/20/2024	Comment on NOI
S-I355	Arash Behrouz	N/A	N/A	3/20/2024	Comment on NOI
S-I356	Sallie Silveira	N/A	N/A	3/20/2024	Comment on NOI
S-I357	Dana Gioia	N/A	N/A	3/21/2024	Comment on NOI
S-I358	Pamela and Larry Johnsen	N/A	N/A	3/21/2024	Comment on NOI
S-I359	Denyse Specktor	N/A	N/A	3/21/2024	Comment on NOI
S-I360	David Kates	N/A	N/A	3/21/2024	Comment on NOI
S-I361	Barbara Reed	N/A	N/A	3/21/2024	Comment on NOI

Scoping Comment Letter List

S-I362	Mary Hiecke Gioia	N/A	N/A	3/21/2024	Comment on NOI
S-I363	John and Candace Quinn	N/A	N/A	3/24/2024	Comment on NOI
S-I364	Gregory Alexander	N/A	N/A	3/22/2024	Comment on NOI
S-I365	Brian Bollman	N/A	N/A	3/23/2024	Comment on NOI
S-I366	Victor Delpanno	N/A	N/A	3/23/2024	Comment on NOI
S-I367	Mark Mezey	N/A	N/A	3/23/2024	Comment on NOI
S-I368	Francis Le	N/A	N/A	3/23/2024	Comment on NOI
S-I369	Debra Avanche	N/A	N/A	3/23/2024	Comment on NOI
S-I370	Roger Nichols	N/A	N/A	3/24/2024	Comment on NOI
S-I371	Christine and Richard Plaxco	N/A	N/A	3/25/2024	Comment on NOI
S-I372	Robert Eberling	N/A	N/A	3/25/2024	Comment on NOI
S-I373	Lauren Leach	N/A	N/A	3/25/2024	Comment on NOI
S-I374	Robert Ensten	N/A	N/A	3/26/2024	Comment on NOI
S-I375	Katie Stevens	N/A	N/A	3/26/2024	Comment on NOI
S-I376	Bonnie Farrow	N/A	N/A	3/26/2024	Comment on NOI
S-I377	Deborah Corlett	N/A	N/A	3/27/2024	Comment on NOI
S-I378	Sharon Conley	N/A	N/A	3/27/2024	Comment on NOI
S-I379	Barbara Lyon	N/A	N/A	3/27/2024	Comment on NOI
S-I380	Dinah Costello	N/A	N/A	3/27/2024	Comment on NOI
S-I381	Rick Dabney	N/A	N/A	3/28/2024	Comment on NOI
S-I382	Joanne Dieckmann	N/A	N/A	3/29/2024	Comment on NOI
S-I383	Jim Wright	N/A	N/A	3/29/2024	Comment on NOI
S-I384	Patricia Biggi	N/A	N/A	3/31/2024	Comment on NOI
S-I385	Elizabeth Acosta	N/A	N/A	3/29/2024	Comment on NOI
S-I386	Kristine Hannigan	N/A	N/A	4/1/2024	Comment on NOI
S-I387	Rich Owens	N/A	N/A	4/1/2024	Comment on NOI
S-I388	Jessica Cruz	N/A	N/A	4/2/2024	Comment on NOI
S-I389	Lark Schumacher Coryell	N/A	N/A	4/2/2024	Comment on NOI
S-I390	Judi Swenson	N/A	N/A	4/2/2024	Comment on NOI
S-I391	Claudia Abend	N/A	N/A	4/3/2024	Comment on NOI
S-I392	Richard Abend	N/A	N/A	4/3/2024	Comment on NOI
S-I393	Jackie Denney	N/A	N/A	4/2/2024	Comment on NOI
S-I394	Sue Bates-Pintar	N/A	N/A	4/3/2024	Comment on NOI
S-I395	Marquel Abend-Satterwhite	N/A	N/A	4/3/2024	Comment on NOI
S-I396	Chris Thuestad	N/A	N/A	4/3/2024	Comment on NOI
S-I397	Brian Broadbent	N/A	N/A	4/3/2024	Comment on NOI
S-I398	Erin Easton Clark	N/A	N/A	4/3/2024	Comment on NOI

Scoping Comment Letter List

S-I399	Joe and Nancy Zankich	N/A	N/A	4/3/2024	Comment on NOI
S-I400	John Iverson	N/A	N/A	4/3/2024	Comment on NOI
S-I401	Kevin Warren	N/A	N/A	4/3/2024	Comment on NOI
S-I402	Russell Thompson	N/A	N/A	4/3/2024	Comment on NOI
S-I403	Gayle and Jim Cunningham	N/A	N/A	4/3/2024	Comment on NOI
S-I404	Laurie Hiatt	N/A	N/A	4/3/2024	Comment on NOI
S-I405	Steve and Jill Plamann	N/A	N/A	4/4/2024	Comment on NOI
S-I406	Caroline Zsambok	N/A	N/A	3/27/2024	Comment on NOI
S-I407	Paige Mazzoni and Brad Pighin	N/A	N/A	3/19/2024	Comment on NOI
S-I408	Mary Hiecke Gioia	N/A	N/A	3/21/2024	Comment on NOI
S-I409	Dana Gioia	N/A	N/A	3/21/2024	Comment on NOI
S-I410	Christine Daniels	N/A	N/A	4/4/2024	Comment on NOI
S-I411	Deborah Corlett	N/A	N/A	3/27/2024	Comment on NOI
S-I412	Brad and Joan Chance	N/A	N/A	4/5/2024	Comment on NOI
S-I413	Danelle Storm Rosati	N/A	N/A	4/5/2024	Comment on NOI
S-I414	Josephine Hamilton	N/A	N/A	4/5/2024	Comment on NOI
S-I415	Ed and Mary Hardeman	N/A	N/A	4/5/2024	Comment on NOI
S-I416	Virginia Gillen	N/A	N/A	4/5/2024	Comment on NOI
S-I417	Lesley and Jerry Alexander	N/A	N/A	4/5/2024	Comment on NOI
S-I418	Sari Singerman	N/A	N/A	4/5/2024	Comment on NOI
S-I419	Robert Janes	N/A	N/A	4/5/2024	Comment on NOI
S-I420	Elaine Pacioretty	N/A	N/A	4/5/2024	Comment on NOI
S-I421	Cameron Barfield	N/A	N/A	4/5/2024	Comment on NOI
S-I422	Kathleen Kelley	N/A	N/A	4/5/2024	Comment on NOI
S-I423	Mary Ann Sorensen	N/A	N/A	4/6/2024	Comment on NOI
S-I424	Betsy Mallace	N/A	N/A	4/6/2024	Comment on NOI
S-I425	Geraldine Ott	N/A	N/A	4/6/2024	Comment on NOI
S-I426	Mark McCarty and Bill Harrison	N/A	N/A	4/6/2024	Comment on NOI
S-I427	Jill Plamann	N/A	N/A	4/6/2024	Comment on NOI
S-I428	Sidnee Cox	N/A	N/A	4/6/2024	Comment on NOI
S-I429	Ronald Calloway	N/A	N/A	4/6/2024	Comment on NOI
S-I430	Suzanne Calloway	N/A	N/A	4/6/2024	Comment on NOI
S-I431	Sarah Seitz	N/A	N/A	4/6/2024	Comment on NOI
S-I432	Marie Scherf	N/A	N/A	4/6/2024	Comment on NOI
S-I433	Stephen and Kathleen Lawrence	N/A	N/A	4/6/2024	Comment on NOI
S-I434	MaryAnn Bainbridge-Krause	N/A	N/A	4/6/2024	Comment on NOI
S-I435	Jeannette and Scott Engel	N/A	N/A	4/6/2024	Comment on NOI
S-I436	Michele Pagan	N/A	N/A	4/6/2024	Comment on NOI

Scoping Comment Letter List

S-I437	Terri and Don Jensen	N/A	N/A	4/7/2024	Comment on NOI
S-I438	Jeff Barnard	N/A	N/A	4/7/2024	Comment on NOI
S-I439	David and Jeanne Low	N/A	N/A	4/7/2024	Comment on NOI
S-I440	David and Sandra George	N/A	N/A	4/7/2024	Comment on NOI
S-I441	Anne Gray	N/A	N/A	4/7/2024	Comment on NOI
S-I442	Dan Gilbert	N/A	N/A	4/7/2024	Comment on NOI
S-I443	Alison Fierro	N/A	N/A	4/7/2024	Comment on NOI
S-I444	Chris Fierro	N/A	N/A	4/7/2024	Comment on NOI
S-I445	Ron and Nancy Carrey	N/A	N/A	4/7/2024	Comment on NOI
S-I446	Carleene Cady, Ashley Hansen, and Samuel Wingfield	N/A	N/A	4/7/2024	Comment on NOI
S-I447	Jeanne and Richard Duben	N/A	N/A	4/7/2024	Comment on NOI
S-I448	Doug and Sharon Caesare	N/A	N/A	4/7/2024	Comment on NOI
S-I449	Al Beltran	N/A	N/A	4/7/2024	Comment on NOI
S-I450	Donald Ziskin	N/A	N/A	4/7/2024	Comment on NOI
S-I451	Margaret Buzanski	N/A	N/A	4/7/2024	Comment on NOI
S-I452	Clancy and Sue Faria	N/A	N/A	4/7/2024	Comment on NOI
S-I453	Jackie Austin	N/A	N/A	4/7/2024	Comment on NOI
S-I454	Heidi Aarts Michels	N/A	N/A	4/7/2024	Comment on NOI
S-I455	Terri Miller	N/A	N/A	4/7/2024	Comment on NOI
S-I456	David Wm. Hansen	N/A	N/A	4/7/2024	Comment on NOI
S-I457	William Bridges	N/A	N/A	4/7/2024	Comment on NOI
S-I458	Dennis Stoffel	N/A	N/A	4/7/2024	Comment on NOI
S-I459	Susan Strong	N/A	N/A	4/7/2024	Comment on NOI
S-I460	Peg Champion and Brad Whitworth	N/A	N/A	4/7/2024	Comment on NOI
S-I461	Laura Wilson	N/A	N/A	4/7/2024	Comment on NOI
S-I462	Ron and Debbie Wheeler	N/A	N/A	4/7/2024	Comment on NOI
S-I463	Catherine Ernst	N/A	N/A	4/7/2024	Comment on NOI
S-I464	Pat Warren	N/A	N/A	4/8/2024	Comment on NOI
S-I465	Sandra Nieto	N/A	N/A	4/8/2024	Comment on NOI
S-I466	Lynda Williams	N/A	N/A	4/8/2024	Comment on NOI
S-I467	William McCormick	N/A	N/A	4/8/2024	Comment on NOI
S-I468	Janice Sexton	N/A	N/A	4/8/2024	Comment on NOI
S-I469	Robert and Lisa Schreeder	N/A	N/A	4/8/2024	Comment on NOI
S-I470	Brian Moe	N/A	N/A	4/8/2024	Comment on NOI

Scoping Comment Letter List

S-I471	Dahdri McCormick	N/A	N/A	4/8/2024	Comment on NOI
S-I472	Gene Clark	N/A	N/A	4/8/2024	Comment on NOI
S-I473	Yana Fawn Ross	N/A	N/A	4/8/2024	Comment on NOI
S-I474	Gene Clark	N/A	N/A	4/8/2024	Comment on NOI
S-I475	Deborah Lindley	N/A	N/A	4/8/2024	Comment on NOI
S-I476	Catherine Dodd	N/A	N/A	4/8/2024	Comment on NOI
S-I477	Marc Chandler	N/A	N/A	4/8/2024	Comment on NOI
S-I478	Debra Avanche	N/A	N/A	4/8/2024	Comment on NOI
S-I479	Walter and Pam Bruszewski	N/A	N/A	4/8/2024	Comment on NOI
S-I480	Michael and Kathleen Higgins	N/A	N/A	4/8/2024	Comment on NOI
S-I481	Bob and Gail Cipolla	N/A	N/A	4/8/2024	Comment on NOI
S-I482	Mary Euphrat	N/A	N/A	4/8/2024	Comment on NOI
S-I483	Paul and Stephanie Browning	N/A	N/A	4/8/2024	Comment on NOI
S-I484	Kenneth and Jeneal Wells	N/A	N/A	4/8/2024	Comment on NOI
S-I485	Catherine Adams	N/A	N/A	4/8/2024	Comment on NOI
S-I486	Mary Foley	N/A	N/A	4/8/2024	Comment on NOI
S-I487	Phil Essner	N/A	N/A	4/8/2024	Comment on NOI
S-I488	Scott Campbell	N/A	N/A	4/8/2024	Comment on NOI
S-I489	Marta Starr	N/A	N/A	4/8/2024	Comment on NOI
S-I490	Scott and Kathleen Snow	N/A	N/A	4/8/2024	Comment on NOI
S-I491	Lori Barber	N/A	N/A	4/8/2024	Comment on NOI
S-I492	Dawn Chandler	N/A	N/A	4/8/2024	Comment on NOI
S-I493	Christina Moran	N/A	N/A	4/8/2024	Comment on NOI
S-I494	Cliff Whittemore	N/A	N/A	4/8/2024	Comment on NOI
S-I495	Mike Landon	N/A	N/A	4/8/2024	Comment on NOI
S-I496	Nita Cote	N/A	N/A	4/4/2024	Comment on NOI
S-I497	Anne Gray	N/A	N/A	4/7/2024	Comment on NOI
S-I498	Richard Abend	N/A	N/A	4/4/2024	Comment on NOI
S-I499	Marquel Abend-Satterwhite	N/A	N/A	4/5/2024	Comment on NOI
S-I500	Claudia Abend	N/A	N/A	4/8/2024	Comment on NOI
S-I501	Sam Salmon	N/A	N/A	4/4/2024	Comment on NOI
S-I502	Gayle and Jim Cunningham	N/A	N/A	4/3/2024	Comment on NOI
S-I503	Owen Dimock	N/A	N/A	3/21/2024	Comment on NOI
S-I504	Bruce DeCrona	N/A	N/A	4/6/2024	Comment on NOI
S-I505	Mary Euphrat	N/A	N/A	4/8/2024	Comment on NOI

Scoping Comment Letter List

S-I506	Don Ziskin	N/A	N/A	4/8/2024	Comment on NOI
S-I507	William McCormick	N/A	N/A	4/7/2024	Comment on NOI
	EA Public Hearing				
S-PH1	Dino Beltran	Vice Chairman	Koi Nation		Comment on EA
S-PH2	Greg Sarris	Chairman	Federated Indians of Graton Rancheria		Comment on EA
S-PH3	Lauren S.	N/A	N/A		Comment on EA
S-PH4	Patricia Kempton	N/A	N/A		Comment on EA
S-PH5	Curtis Ferreira	N/A	N/A		Comment on EA
S-PH6	Francisco Martinez	N/A	N/A		Comment on EA
S-PH7	Albert Lustre	N/A	N/A		Comment on EA
S-PH8	William McCormick	N/A	N/A		Comment on EA
S-PH9	Ronald Calloway	N/A	N/A		Comment on EA
S-PH10	Matt Kelly	N/A	N/A		Comment on EA
S-PH11	Seth Howard	N/A	N/A		Comment on EA
S-PH12	Josh Ratiani	N/A	N/A		Comment on EA
S-PH13	Zachary Vaden	N/A	N/A		Comment on EA
S-PH14	Matthew Beeston	N/A	N/A		Comment on EA
S-PH15	Giovanni Ottolini	N/A	N/A		Comment on EA
S-PH16	Sam Salmon	N/A	N/A		Comment on EA
S-PH17	Anthony Lavaysee	N/A	N/A		Comment on EA
S-PH18	Robin Goble	N/A	N/A		Comment on EA
S-PH19	William Bridges	N/A	N/A		Comment on EA
S-PH20	Jesse Peralez	N/A	N/A		Comment on EA
S-PH21	Jerry Santarpia	N/A	N/A		Comment on EA
S-PH22	Beatrice Mirelez	N/A	N/A		Comment on EA
S-PH23	Sidnee Cox	N/A	N/A		Comment on EA
S-PH24	Chris Wright	N/A	N/A		Comment on EA
S-PH25	Nick Ratiani	N/A	N/A		Comment on EA
S-PH26	Chris Lamela	N/A	N/A		Comment on EA
S-PH27	Bill Bolster	N/A	N/A		Comment on EA
S-PH28	Bob Janes	N/A	N/A		Comment on EA
S-PH29	Claudia Abend	N/A	N/A		Comment on EA
S-PH30	Lynda Williams	N/A	N/A		Comment on EA
S-PH31	Betsy Mallace	N/A	N/A		Comment on EA
S-PH32	Carolyn Adler	N/A	N/A		Comment on EA
S-PH33	Christie Wilfey	N/A	N/A		Comment on EA
S-PH34	Lilian Fonseca	N/A	N/A		Comment on EA

Scoping Comment Letter List

S-PH35	Hank Shreeder	N/A	N/A		Comment on EA
S-PH36	Eric Chazankin	N/A	N/A		Comment on EA
S-PH37	Nina Cote	N/A	N/A		Comment on EA
S-PH38	Rosa Reynoza	N/A	N/A		Comment on EA
S-PH39	Noah Starr	N/A	N/A		Comment on EA
S-PH40	Sean Boyd	N/A	N/A		Comment on EA
S-PH41	Jeanne Powell	N/A	N/A		Comment on EA
S-PH42	Cameron Barfield	N/A	N/A		Comment on EA
S-PH43	Riley Ahern	N/A	N/A		Comment on EA
S-PH44	Kristi Selby	N/A	N/A		Comment on EA
S-PH45	Kevin Maxemin	N/A	N/A		Comment on EA
S-PH46	Ogden Stinson	N/A	N/A		Comment on EA
S-PH47	Mary Ann Bainbridge-Krause	N/A	N/A		Comment on EA
S-PH48	Carlos Resendez	N/A	N/A		Comment on EA
S-PH49	Martin McCormick	N/A	N/A		Comment on EA
S-PH50	Jessica Sutton	N/A	N/A		Comment on EA
S-PH51	Heidi Jacquin	N/A	N/A		Comment on EA
S-PH52	Lori Laiwa Thomas	N/A	N/A		Comment on EA
S-PH53	Yana Ross	N/A	N/A		Comment on EA
S-PH54	David George	N/A	N/A		Comment on EA
S-PH55	Edward Evans	N/A	N/A		Comment on EA
S-PH56	Laura Pierce	N/A	N/A		Comment on EA
S-PH57	Angela Adams	N/A	N/A		Comment on EA
S-PH58	Janice Sexton	N/A	N/A		Comment on EA
S-PH59	Terri Jenson	N/A	N/A		Comment on EA
S-PH60	Debra Avanche	N/A	N/A		Comment on EA
S-PH61	Jill Plamann	N/A	N/A		Comment on EA
S-PH62	Walter Bruszewski speaking for Pam Bruszewski	N/A	N/A		Comment on EA
S-PH63	Jennifer Klein	N/A	N/A		Comment on EA
S-PH64	Carrie Marvin	N/A	N/A		Comment on EA
S-PH65	Paul Fiset	N/A	N/A		Comment on EA
S-PH66	Lynn Darst	N/A	N/A		Comment on EA
S-PH67	Debora Fudge	N/A	N/A		Comment on EA
S-PH68	Amy Ramsey	N/A	N/A		Comment on EA
S-PH69	Sam Singer	N/A	N/A		Comment on EA
S-PH70	Richard Boyd	N/A	N/A		Comment on EA
S-PH71	Anne Gray	N/A	N/A		Comment on EA

Scoping Comment Letter List

S-PH72	Matthew Prott	N/A	N/A		Comment on EA
S-PH73	Paige Mazzoni	N/A	N/A		Comment on EA
S-PH74	Aaron Hadzess	N/A	N/A		Comment on EA
S-PH75	Joan Chance	N/A	N/A		Comment on EA
S-PH76	Janine Heath	N/A	N/A		Comment on EA
S-PH77	Deana Stapleton	N/A	N/A		Comment on EA

Agencies

From: Ingels, Ross@CHP <Ringels@chp.ca.gov>

Sent: Monday, October 23, 2023 10:17 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Cc: State.Clearinghouse@opr.ca.gov <State.Clearinghouse@opr.ca.gov>; CHP-EIR <EIR@chp.ca.gov>; Abrahams, Kristen@CHP <Kristen.Abrahams@chp.ca.gov>; Hoff, David A@CHP <DAHoff@chp.ca.gov>; CHP-30AAdesk <30AAdesk@chp.ca.gov>

Subject: [EXTERNAL] California Highway Patrol-Santa Rosa Area: Environmental Document Review – SCH # 2022050599

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. Brossard,

After a thorough review of the Environmental Impact Report and traffic study for the Koi Nation of Northern California Shiloh Resort and Casino Project, the California Highway Patrol-Santa Rosa Area has determined the proposed Indian Gaming Facility at the intersection of Shiloh Rd. and Old Redwood Highway in Sonoma County will have an impact on Area operations.

Impact #1- Page 3-65 states “the Proposed Project intends to serve alcohol consistent with a liquor license, which could result in an increase in drunk driving incidents.” Any increase in drunk driving has the potential to increase the number of collisions in the Santa Rosa Area, and could increase the number of injuries or deaths associated with DUI.

Impact #2- Page 2 of the Shiloh Resort and Casino Traffic Study states, the “proposed project is expected to generate 11,213 total daily weekday trips and 15,779 total daily Saturday trips, including 473 weekday a.m. peak hour trips (279 in, 194 out), 1,205 weekday p.m. peak hour trips (710 in, 495 out), and 1,340 midday Saturday peak hour trips (657 in, 683 out).” The traffic study studied 12 intersection that will be impacted by the additional vehicle trips. Of those intersections, several “would not be consistent with the level of service standards set by the Town of Windsor and Sonoma County” without the addition of intersection improvements.

Impact #3- While overall criminal activity will be the responsibility of the Sonoma County Sheriffs Office, these type of facilities frequently lead to an increase in crime, including auto theft. The CHP is responsible for investigating any auto thefts which occur in Sonoma County. We have seen this in the past following the 2013 opening of the Graton Resort and Casino in Rohnert Park.

In summary, the potential for increase in DUI, auto theft related crime and additional vehicle trips by the Proposed Project will impact the Santa Rosa Area.

Thank you,

Ross Ingels, Lieutenant
Santa Rosa Area
Phone: (707) 588-1400

From: Sears, Laurel@DOT <Laurel.Sears@dot.ca.gov>
Sent: Friday, October 27, 2023 9:04 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>
Subject: [EXTERNAL] SCH# 2022050599, Caltrans Comments

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Hello Chad Broussard,
Thank you for including Caltrans Bay Area in your circulation of the EA for the Koi Nation Shiloh Resort and Casino Project. Attached is our comment letter.

Feel free to reach out to me regarding this letter or other questions you may have.

Thank you,

Laurel Sears

Laurel Sears, MUP/ MS (she/they)
Senior Transportation Planner
Equity and Engagement Planning Coordinator
(Acting) Coordinator, Local Development Review
Caltrans Bay Area | 510-853-4329 | laurel.sears@dot.ca.gov

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California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



October 27, 2023

SCH #: 2022050599
GTS #: 04-SON-2022-00839
GTS ID: 26607
Co/Rt/Pm: SON/101/26.981

Chad Broussard, Environmental Protection Specialist
U.S. Department of the Interior
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820,
Sacramento, CA 95825

Re: Koi Nation of Northern California Shiloh Resort and Casino Project- Environmental Assessment (EA)

Dear Chad Broussard:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the Shiloh Resort and Casino Project. We are committed to ensuring that impacts to the State's multimodal transportation system and to our natural environment are identified and mitigated to support a safe, sustainable, integrated and efficient transportation system.

The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the September 2023 EA.

Project Understanding

The proposed project is the acquisition of approximately 68.6-acres of fee land in unincorporated Sonoma County in trust by the Bureau of Indian Affairs upon which the Koi Nation would construct a casino, hotel, conference/event center, restaurant/bars, and supporting parking and infrastructure (Proposed Project). Water supply to serve the project is proposed through the use of on-site wells, and wastewater would be treated via a proposed on-site tertiary wastewater treatment plant (WWTP).

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses

Transportation Impact Studies, please review Caltrans' Transportation Impact Study Guide ([link](#)).

The project Vehicle Miles Traveled (VMT) analysis and significance determination are undertaken in a manner consistent with the Office of Planning and Research's (OPR) Technical Advisory. Per the EA, this project is found to have a less than significant VMT impact, therefore working towards meeting the State's VMT reduction goals.

Caltrans supports the recommendations put forth on page 6 of the Traffic Impact Study which outline improvements in pedestrian and bicycle infrastructure including crosswalks. Improving these essential elements will support both safety and accessibility for all users.

Construction-Related Impacts

Project work that requires movement of oversized or excessive load vehicles on State roadways requires a transportation permit that is issued by Caltrans. To apply, please visit Caltrans Transportation Permits ([link](#)).

Prior to construction, coordination may be required with Caltrans to develop a Transportation Management Plan (TMP) to reduce construction traffic impacts to the State Transportation Network (STN).

Lead Agency

As the Lead Agency, the Office of the Interior is responsible for all project mitigation, including any needed improvements to the STN. The project's fair share contribution, financing, scheduling, implementation responsibilities and lead agency monitoring should be fully discussed for all proposed mitigation measures.

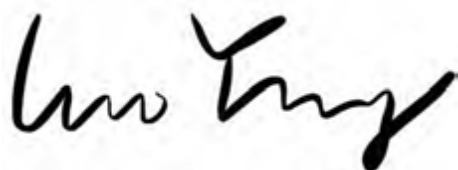
Equitable Access

If any Caltrans facilities are impacted by the project, those facilities must meet American Disabilities Act (ADA) Standards after project completion. As well, the project must maintain bicycle and pedestrian access during construction. These access considerations support Caltrans' equity mission to provide a safe, sustainable, and equitable transportation network for all users.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Laurel Sears, Senior Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please contact LDR-D4@dot.ca.gov.

Chad Broussard, Environmental Protection Specialist
October 27, 2023
Page 3

Sincerely,

A handwritten signature in black ink, appearing to read "Luo Yunsheng". The signature is written in a cursive, fluid style.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

----- Forwarded message -----

From: **Vitulano, Karen** <Vitulano.Karen@epa.gov>

Date: Wed, Nov 8, 2023 at 12:47 PM

Subject: EPA comments - Koi Nation Casino Draft EA

To: Broussard, Chad

<chad.broussard@bia.gov>, dbeltran@koination.com <dbeltran@koination.com>, kn@koination.com <kn@koination.com>

Cc: Bibiana Sparks <bsparks@acorn-env.com>

Hi Chad – please see the attached EPA comment letter on the Shiloh Casino project DEA. Copying the Tribe – apologies Chairman Beltran for neglecting to include your cc notation on the letter itself.

Please let me know if you have any questions.

Sincerely -

~

Ms. Karen Vitulano
U.S. Environmental Protection Agency, Region 9
Environmental Review Branch, Tribal, Intergovernmental and Policy Division
San Francisco, California | Ancestral land of the Ohlone people
No snail mail please – we are [transitioning to a fully electronic environment](#)
PHONE 415-947-4178

“Do unto those downstream as you would have those upstream do unto you.” -- Wendell Berry

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REGION 9

SAN FRANCISCO, CA 94105

November 8, 2023

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Room W-2820
Sacramento, California 95825

Subject: Koi Nation of Northern California Shiloh Resort and Casino Project Draft Environmental Assessment

Dear Chad Broussard:

The U.S. Environmental Protection Agency has reviewed the above-referenced document pursuant to the National Environmental Policy Act, Council on Environmental Quality regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

The EPA is a cooperating agency on the project EA and provided comments on the administrative draft EA on May 15, 2023. We appreciate the additional information in the DEA that responds to some of our comments. Based on our review of the DEA, we highlight potential impacts to the mobile home communities downstream of the project site, which lie in the 100-year floodplain. Even without the project, extreme precipitation events from climate change threaten to increase the flooding which already occurs regularly downstream. While the project integrates green infrastructure and low impact development techniques, including detention basins and bioswales into the project design, as well as a green living roof, it is vital that BIA and the Tribe ensure the project is constructed to maintain the predevelopment hydrology and prevent any increase in stormwater runoff. This includes ensuring the stormwater drainage system is sized to accommodate higher intensity storms, ensuring all possible low-impact development features are included, and consideration of the reduced-size alternative which would maintain more acreage of vineyards on the site where stormwater can infiltrate.

If the project is approved, the EPA would be the permitting agency for the onsite wastewater treatment plant's National Pollutant Discharge Elimination System (NPDES) permit authorizing the discharge of treated effluent into Pruitt Creek. We recommend early consultation with the EPA due to the uncertainty and complexity of permitting in this watershed. Please see our attached detailed comments for information and recommendations.

The EPA appreciates the opportunity to review this DEA. When the Final EA is released for public review, please notify us, and make an electronic version available. If you have any questions, please contact me at (415) 947-4167, or contact Karen Vitulano, the lead reviewer for this project, at (415) 947-4178 or vitulano.karen@epa.gov.

Sincerely,

Jean Prijatel
Manager
Environmental Review Branch

Enclosure: EPA's detailed comments

Stormwater Management/Climate Change

The proposed action would add over 35 acres of new impervious surfaces. We appreciate that the project design largely avoids the 100-year and 500-year floodplains on the site. We also appreciate that the proposed action includes green infrastructure and low impact development techniques including a detention basin and bioswales in the project design, as well as a green living roof. We recommend retaining these features in the final design.

The DEA indicates that the predevelopment hydrology would be maintained on site via the stormwater drainage system. It is vital that the project not contribute additional stormwater runoff because the residential properties downstream of the site lie in the 100-year floodplain, and there are press reports indicating that this area already experiences regular flooding.¹ While the DEA indicates that the stormwater drainage system under Alternative A would limit the post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event (p. 2-9), it is not clear whether the detention basin sizing and outlet piping that will meter the flow into the creek to pre-development levels would be designed to accommodate the precipitation extremes being experienced under climate change. These precipitation patterns are characterized by rainfall amounts that may be similar to historical amounts but occur all at once, i.e., are more intense. Additionally, we note that stormwater features require regular maintenance to be effective.

Recommendation: In the Final EA, clarify whether and how increased precipitation intensity occurring under climate change has been accommodated in the drainage plans and if pre-development hydrology would be maintained considering these larger flows. Ensure all low impact development techniques are incorporated in the final design. Consider the reduced intensity Alternative B that would decrease the amount of new impervious surfaces by 8.5 acres and would allow more infiltration on the site. If Alternative A is selected, we recommend the entire 100 and 500-yr floodplain be avoided if possible, and that porous pavement be considered for the surface parking lot and roadways. We recommend consulting EPA's new [Bioretention Design Handbook](#)² which includes information about the latest approaches and lessons learned for bioretention design, construction, inspection, and operation and maintenance. Include the development of maintenance contracts in the mitigation measures to ensure these features are maintained for maximum effectiveness. Update the climate change discussion on page 3-137 to include flooding as a future effect.

Clean Water Act (CWA) Section 402 permitting for the Discharge of Wastewater from the Wastewater Treatment Plant

As the DEA notes, the EPA is the regulatory authority³ under the Clean Water Act for any discharge from a point source to a water of the U.S. occurring on Tribal Trust Lands in California. Several of the

¹ See <https://www.pressdemocrat.com/article/news/mobile-home-park-north-of-santa-rosa-flooded-as-atmospheric-river-deluges-s/>

² Available at https://www.epa.gov/system/files/documents/2023-11/bioretentiondesignhandbook_plainnov2023.pdf

³ There are 2 instances in Appendix C on p. 2-19 and p. 6-13 that reference the Regional Water Quality Control Board issuing the NPDES permit. If this document has not been finalized, we recommend correcting this for the Final EA.

alternatives under consideration would require authorization through a National Pollutant Discharge Elimination System (NPDES) permit for the discharge of treated wastewater. The Tribe would be responsible for obtaining an NPDES permit from EPA Region 9 prior to the discharge of treated wastewater.

The BIA consulted with the EPA on this permit, and we explained that any permit issued must ensure the discharge meets Water Quality Standards for the State of California at the point where the discharge enters state waters, as established in the Water Quality Control Plan for the North Coast Region (Basin Plan). The Basin Plan requires all discharges to be treated to a tertiary level of treatment, prohibits discharges greater than 1% of the receiving water flow, and prohibits the discharge of treated domestic wastewater to the Russian River or its tributaries from May 15 to September 30. The DEA evaluates the feasibility of meeting the Basin Plan's 1% discharge flow requirement using flow data from USGS gauging station at Mark West Creek (USGS #11466800). We note that the discharge volume relative to the flow of the direct receiving water, Pruitt Creek, will need to be assessed to determine whether the Basin Plan's 1% discharge flow requirement can be met.

Additionally, the EPA must ensure that any discharge complies with the provisions of 40 CFR § 122.4(i), which prohibits the issuance of a permit to a new discharge if the discharge from its construction or operation would cause or contribute to the violation of water quality standards. As noted in the EA, downstream waterbodies are listed as impaired for sedimentation/siltation, temperature, indicator bacteria, dissolved oxygen, mercury, and phosphorus on the CWA § 303(d) list for California. During our conversation with Acorn consultants on Friday May 12, 2023, we highlighted the uncertainty and complexity of permitting in this watershed. The EPA has not received a permit application, so cannot predetermine the conditions that would allow the EPA to issue a discharge permit. If the EPA receives a permit application, we would evaluate the proposed discharge and assess its compliance with CWA requirements, including compliance with the water quality standards of the Basin Plan at the Tribe's boundary. Maximizing water reuse will likely be an important element of a permit.

Recommendation: We encourage the Tribe to consult early with EPA's Water Division regarding the permit application process. Sunny Elliott is EPA's NPDES contact for this project and can be reached at 415-972-3840 or elliott.sunny@epa.gov with any questions. If the EPA develops a draft permit, there will be an opportunity for public comment as part of the permitting process.

CWA Section 404 permit for discharge of fill into waters of the U.S

We commend the BIA and the Tribe for designing clear-span bridges over Pruitt Creek, which bisects the site, as well as directional drilling for water and sewage pipelines beneath the Creek. We note that the pipelines and outfall structures for treated effluent discharge and stormwater drainage that would be developed within the riparian corridor and bed, bank, and channel of Pruitt Creek may require CWA Section 404 Nationwide permits from the Army Corps of Engineers, likely NWP #7 and 43. In order to qualify for the use of a NWP, prospective permittees must comply with all of the terms, general conditions and regional conditions of the NWP, including requirements for the submittal of a pre-construction notification.

Recommendation: Consult with the Army Corps of Engineers regarding the needed CWA Section 404 permits. Update the Final EA regarding potential applicability of Nationwide 404

permits for the pipeline and outfall structures in Pruitt Creek and identify the pre-construction notifications that would be required.

Groundwater impacts

The project includes future site-specific monitoring to confirm the hydraulic separation between the upper and lower aquifers underlying the site to ensure that there would be no significant impacts to surrounding wells, including the Town of Windsor's Esposti Park irrigation and standby potable wells (p. 3-19). Groundwater monitoring would occur at least one year before public opening, and a neighboring well impact compensation program is included to compensate neighboring well owners for impacts to their well if the project pumping well causes interference drawdown. It appears that wells within 1-mile of the project site would be included. It is important that recycled water from the on-site WWTP be utilized for toilet/urinal flushing, landscape irrigation, vineyard irrigation, cooling tower make-up and other approved non-potable uses to reduce groundwater water demand.

Recommendation: Identify the well users that will be included in the well impact compensation program, preferably with a map. We agree with the recommendation that the Tribe contract with a third party, such as Sonoma County, to oversee the well impact compensation program and recommend this be committed to in the mitigation measures.

Drinking Water System

The project proposes to develop a new on-site potable water system consisting of up to two water supply wells, a water treatment plant, water storage tank, and water pump station. This drinking water system would provisionally be classified as a Non-Transient/Non-Community public water system⁴ under the Safe Drinking Water Act and would be subject to requirements for NTNC systems.

Recommendation: Consult with the EPA early in the process of setting up the public drinking water system to conduct baseline monitoring, and submit the results to EPA prior to public water use. The EPA point of contact is Jason Gambatese. Jason can be reached at (415) 972-3571 or gambatese.jason@epa.gov.

Climate Impacts – Fire and Heat

The project site is in a designated high wildfire risk area and is located about 0.3 miles from the site of the 2017 Tubbs and Kincade wildfires. We appreciate the various wildfire resiliency elements in the project design. The project includes fire-resistant building materials, ignition-resistant landscaping, defensible space efforts, and evacuation planning. We recommend these be retained in the final design.

We further recommend considering extreme heat in planning and design. The DEA states only that on-site air conditioning would lessen the effects of increasing temperatures and frequency of extreme heat days (p. 3-140). Heat mitigation strategies can be integrated into project designs and can include outside areas (e.g., cool surfaces and pavements that store less heat than traditional pavements) as well as providing a certain amount of shading through either trees or built shade structures. Orienting buildings with local climate and geographic conditions in mind can avoid solar heat gain and decrease

⁴ A public water system is defined as any entity serving water for the purposes of human consumption to 15 or more active service connections or 25 or more people at least 60 days out of the year.

energy usage. On building sides with high solar exposure, improvements such as shade screens, window glazing, and smaller windows on the east and west sides can help shade and keep the inside of buildings cooler. The proposed green roof on the casino building and parking structure are also effective cooling features. We note that the project does not include photovoltaics; we recommend they be included on the other rooftops if design permits. If Alternative A is selected, consider providing shading over the surface parking lot by incorporating carports with photovoltaics, which are increasingly common project features that minimize heat impacts to drivers. We appreciate that the plan includes EV charging stations for some vehicles.

Recommendation: We recommend integrating the heat mitigation strategies, identified above, in the site design. Include photovoltaics as part of the project.

Air Quality

We appreciate the clarification in the DEA that the Tribe would apply for a New Source Review permit under the Clean Air Act for the backup generators. We recommend including this information for the other alternatives, if applicable. Information about Tribal NSR is available at <https://www.epa.gov/caa-permitting/about-tribal-minor-new-source-review-permitting-region-9>. The EPA is the permitting authority for NSR permits on tribal lands.

Recommendation: Update the NSR discussion for all alternatives in the Final EA. For assistance in Tribal NSR permitting, please contact EPA Region 9's Air Permit Office at R9AirPermits@epa.gov.

Biological Resources

The DEA states that the BIA will initiate informal consultation with the U.S. Fish and Wildlife Service regarding the potential for the project alternatives to impact the California red-legged frog in accordance with the federal Endangered Species Act, and the Biological and Essential Fish Habitat Assessment will be submitted to the National Oceanic and Atmospheric Administration Fisheries for review and concurrence (p. 5-1). It is not clear why these consultations have not yet occurred.

Recommendation: Provide an update on the consultations with the USFWS and NOAA Fisheries. Include the input from these agencies in the impact assessment and mitigation measures in the Final EA.

From: Limon, Jessica@Wildlife <Jessica.Limon@Wildlife.ca.gov>
Sent: Wednesday, November 8, 2023 4:55 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Hultman, Debbie@Wildlife <Debbie.Hultman@wildlife.ca.gov>; Wagner, Nicholas(Nick)@Wildlife <Nicholas.Wagner@Wildlife.ca.gov>; Day, Melanie@Wildlife <Melanie.Day@wildlife.ca.gov>; Weightman, Craig@Wildlife <Craig.Weightman@wildlife.ca.gov>; OPR State Clearinghouse <State.Clearinghouse@opr.ca.gov>; McHugh, Peter@Wildlife <Peter.McHugh@wildlife.ca.gov>
Subject: [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project-SCH2022050599

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Good afternoon,

Please see the attached letter for your records. If you have any questions, contact Nick Wagner, cc'd above.

Thank you,

Jessica Limon

Staff Services Analyst/ Administrative Support Analyst
California Department of Fish and Wildlife – Bay Delta Region

2109 Arch Airport Rd., Stockton, CA 95206
209-616-6011

jessica.limon@wildlife.ca.gov

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
Bay Delta Region
2825 Cordelia Road, Suite 100
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(707) 428-2002
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director



November 8, 2023

Chad Broussard, Environmental Protection Specialist
Department of Interior, Bureau of Indian Affairs
2800 Cottage Way
Sacramento, CA 95852
Chad.Broussard@bia.gov

Subject: Koi Nation of Northern California Shiloh Resort and Casino Project,
Environmental Assessment, SCH No. 2022050599, Sonoma County

Dear Mr. Broussard:

The California Department of Fish and Wildlife (CDFW) received a Notice of Intent to Adopt an Environmental Assessment (EA) from the Department of Interior, Bureau of Indian Affairs (BIA) for the Koi Nation of Northern California Shiloh Resort and Casino Project (project) pursuant to the California Environmental Quality Act (CEQA) and CEQA Guidelines.¹ CDFW previously submitted a letter in response to the Notice of Preparation (NOP) of an Environmental Assessment/Tribal Draft Environmental Impact Report for the project.

CDFW is submitting comments on the EA to inform the BIA, as the Lead Agency, of our concerns regarding potentially significant impacts to biological resources associated with the project.

CDFW ROLE

CDFW is a **Trustee Agency** with responsibility under CEQA (Pub. Resources Code, § 21000 et seq.) pursuant to CEQA Guidelines section 15386 for commenting on projects that could impact fish, plant, and wildlife resources. CDFW is also considered a **Responsible Agency** if a project would require discretionary approval, such as permits issued under the California Endangered Species Act (CESA), the Lake and Streambed Alteration (LSA) Program, or other provisions of the Fish and Game Code that afford protection to the state's fish and wildlife trust resources.

If the property becomes held by the United States in trust for the Tribe, state protections may be significantly reduced.

¹ CEQA is codified in the California Public Resources Code in section 21000 et seq. The "CEQA Guidelines" are found in Title 14 of the California Code of Regulations, commencing with section 15000.

Chad Broussard
Department of Interior, Bureau of Indian Affairs
November 8, 2023
Page 2

PROJECT DESCRIPTION SUMMARY

Proponent: Koi Nation of Northern California

Objective: The project would include: (1) transfer of the 68.6-acre project site into federal trust status for the benefit of the Koi Nation of Northern California for gaming purposes; and (2) the subsequent development by the Koi Nation of Northern California of a resort facility that includes a casino, hotel, ballroom/meeting space, event center, spa, and associated parking and infrastructure.

Location: The project site consists of one parcel owned in fee by the Koi Nation of Northern California (Assessor's Parcel Number 059-300-003) and is located in Section 20, Township 8 North, Range 8 West as depicted on the Mount Diablo Meridian U.S. Geological Survey 7.5' quadrangle map, at approximately Latitude 38.523663°N, Longitude -122.773514°W. The project site is located outside of, but contiguous to, the Town of Windsor.

REGULATORY REQUIREMENTS

California Endangered Species Act

Please be advised that a CESA Incidental Take Permit (ITP) must be obtained if the project has the potential to result in "take" of plants or animals listed under CESA, either during construction or over the life of the project. **As indicated in CDFW's NOP response letter, the project has the potential to result in take of Sebastopol meadowfoam (*Limnathes vinculans*) and Burke's goldfields (*Lasthenia burkei*), which are CESA listed as endangered species, as further described below.** Issuance of a CESA ITP is subject to CEQA documentation; the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA ITP.

CEQA requires a Mandatory Finding of Significance if a project is likely to substantially restrict the range or reduce the population of a threatened or endangered species. (Pub. Resources Code, §§ 21001, subd. (c) & 21083; CEQA Guidelines, §§ 15380, 15064, & 15065). Impacts must be avoided or mitigated to less-than-significant levels unless the CEQA Lead Agency makes and supports Findings of Overriding Consideration (FOC). The CEQA Lead Agency's FOC does not eliminate the project proponent's obligation to comply with CESA.

Lake and Streambed Alteration

An LSA Notification, pursuant to Fish and Game Code section 1600 et seq., is required for project activities affecting lakes or streams and associated riparian habitat.

Chad Broussard
Department of Interior, Bureau of Indian Affairs
November 8, 2023
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Notification is required for any activity that may substantially divert or obstruct the natural flow; change or use material from the bed, channel, or bank including associated riparian or wetland resources; or deposit or dispose of material where it may pass into a river, lake or stream. Work within ephemeral streams, washes, watercourses with a subsurface flow, and floodplains are subject to notification requirements. **The project would fill four seasonal drainages, remove riparian vegetation, and construct a pedestrian bridge over Pruitt Creek, therefore an LSA Notification would likely be required, as further described below.** CDFW will consider the CEQA document for the project and may issue an LSA Agreement. CDFW may not execute the final LSA Agreement (or ITP) until it has complied with CEQA as a Responsible Agency.

COMMENTS AND RECOMMENDATIONS

CDFW offers the comments and recommendations below to assist the BIA in adequately identifying and/or mitigating the project's significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Based on the project's avoidance of significant impacts on biological resources with implementation of mitigation measures, including those CDFW recommends below CDFW concludes that an EA is appropriate for the project. **Attachment 1** includes a Draft Mitigation Monitoring and Reporting Program for CDFW's recommended mitigation measures.

I. Mandatory Findings of Significance: Does the project have the potential to substantially reduce the number or restrict the range of a rare or endangered plant or animal?

Comment 1: Page 3-40, Environmental Setting and Related Impact Shortcoming

Issue: CDFW's previously submitted letter in response to the NOP described the potential for Sebastopol meadowfoam and Burke's goldfields to occur within the roadside drainage on the east side of Old Redwood Highway. These species have been documented to occur in wetlands within ditches. Burke's goldfields has been documented 0.3-mile southwest of the project site (California Natural Diversity Database [CNDDDB] Occurrence Number 31). The EA indicates that Sebastopol meadowfoam and Burke's goldfields have no potential to occur on-site but does not adequately support this conclusion.

Specific impacts and why they may occur and be significant: If CESA and federally listed plants that may be impacted by the project go undetected, the project may result in mortality of individuals from direct impacts or degradation of habitat adjacent to ground disturbance. CESA and federally listed plants mentioned above are considered endangered under CEQA pursuant to CEQA Guidelines section 15380. Therefore, if CESA and federally listed plants are present on or adjacent to the project site where they may be directly or indirectly impacted, the project may

Chad Broussard
Department of Interior, Bureau of Indian Affairs
November 8, 2023
Page 4

substantially reduce the number or restrict the range of these species, which would be a *mandatory finding of significance* pursuant to CEQA Guidelines section 15065, subdivision (a)(1).

Recommended Mitigation Measure: For an adequate environmental setting and to reduce impacts to Sebastopol meadowfoam and Burke's goldfields to less-than-significant, CDFW recommends including the following mitigation measure in the MND:

MM-BIO-1: A qualified biologist shall conduct a habitat assessment to determine if the roadside drainage on the east side of Old Redwood Highway or any other habitat affected by the project is suitable to support Sebastopol meadowfoam or Burke's goldfields, and the project shall obtain CDFW's written approval of the assessment prior to project construction. If suitable habitat for these species is present, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results or may assume presence of Burke's goldfields and Sebastopol meadowfoam. The botanical survey results shall follow CDFW's 2018 *Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities* (<https://wildlife.ca.gov/Conservation/Survey-Protocols#la-377281280-plants>) and the *Santa Rosa Plain Conservation Strategy*, Appendix D: *Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain*. If CDFW is unable to accept the survey results, the project applicant shall conduct additional surveys prior to initiation of project activities or may assume presence of Burke's goldfields and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project applicant shall provide habitat compensation at a minimum 3:1 mitigation to impact ratio based on acreage of habitat impacted, and obtain CDFW's written approval of the habitat compensation, prior to the start of project construction, unless otherwise approved in writing by CDFW. Habitat compensation shall include purchasing credits from a CDFW-approved conservation bank or placing a conservation easement over habitat where the species occurs and funding and implementing a long-term management plan in perpetuity. If impacts to Burke's goldfields and Sebastopol meadowfoam may occur, the project shall also obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.

Chad Broussard
Department of Interior, Bureau of Indian Affairs
November 8, 2023
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II. Would the project have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish and Wildlife Service?

Comment 2: Pages 3-46, Mitigation Measure and Related Impact Shortcoming

Issue: As noted above, the project would permanently impact Pruitt Creek and several unnamed drainages which may constitute streams under Fish and Game Code section 1600 et seq. These drainages may fall within CDFW jurisdiction, which would require the Project to submit an LSA Notification. While the EA requires a Clean Water Act Section 404 Permit from the U.S. Army Corps of Engineers, it does not require an LSA Notification.

Specific impacts and why they may occur and be potentially significant: The project proposes to permanently impact Pruitt Creek and several unnamed drainages which may be considered streams. This may entail substantial alteration of the bed, bank, and channel of Pruitt Creek and the unnamed drainages. Stream habitat including connected wetlands is of critical importance to protecting and conserving the biotic and abiotic integrity of an entire watershed. When stream habitat is substantially altered, riparian functions become impaired, thereby likely substantially adversely impacting aquatic and terrestrial species. Removing connected wetland habitat may also result in the degradation of stream habitat. Therefore, if the above impacts to stream habitat occur, project impacts to stream habitat would be *potentially significant*.

Recommended Mitigation Measure: To comply with Fish and Game Code section 1600 et seq. and reduce impacts to stream habitat to less-than-significant, CDFW recommends that the EA: 1) identify that CDFW may be a Responsible Agency for the project if impacts to any stream would occur, and 2) incorporate the following mitigation measure:

MM-BIO-2: For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), the project shall submit an LSA Notification to CDFW prior to project construction (see: <https://epims.wildlife.ca.gov/index.do>). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact.

Chad Broussard
Department of Interior, Bureau of Indian Affairs
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ENVIRONMENTAL DATA

CEQA requires that information developed in environmental impact reports and negative declarations be incorporated into a database which may be used to make subsequent or supplemental environmental determinations. (Pub. Resources Code, § 21003, subd. (e)). Accordingly, please report any special-status species and natural communities detected during project surveys to CNDDDB. The CNDDDB field survey form can be filled out and submitted online at the following link:

<https://wildlife.ca.gov/Data/CNDDDB/Submitting-Data>. The types of information reported to CNDDDB can be found at the following link:

<https://www.wildlife.ca.gov/Data/CNDDDB/Plants-and-Animals>.

ENVIRONMENTAL DOCUMENT FILING FEES

The project, as proposed, would have an impact on fish and/or wildlife, and assessment of environmental document filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the environmental document filing fee is required in order for the underlying project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & G. Code, § 711.4; Pub. Resources Code, § 21089).

CONCLUSION

CDFW appreciates the opportunity to comment on the EA to assist BIA in identifying and mitigating project impacts on biological resources.

Questions regarding this letter or further coordination should be directed to Nick Wagner, Senior Environmental Scientist (Specialist) at (707) 428-2075 or Nicholas.Wagner@wildlife.ca.gov or Melanie Day, Senior Environmental Scientist (Supervisory) at (707) 210-4415 or Melanie.Day@wildlife.ca.gov.

Sincerely,

DocuSigned by:

Erin Chappell
Regional Manager
Bay Delta Region

Attachment 1: Draft Mitigation Monitoring and Reporting Program

ec: Office of Planning and Research, State Clearinghouse (SCH No. 2023060782)
Peter McHugh, Bay Delta Region Tribal Liaison, Peter.Mchugh@wildlife.ca.gov

Chad Broussard
 Department of Interior, Bureau of Indian Affairs
 November 8, 2023
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ATTACHMENT 1

Draft Mitigation Monitoring and Reporting Program

Biological Resources (BIO)		
Mitigation Measure (MM) Description	Implementation Schedule	Responsible Party
<p>MM-BIO-1: A qualified biologist shall conduct a habitat assessment to determine if the roadside drainage on the east side of Old Redwood Highway or any other habitat affected by the project is suitable to support Sebastopol meadowfoam or Burke's goldfields, and the project shall obtain CDFW's written approval of the assessment prior to project construction. If suitable habitat for these species is present, the project shall submit to CDFW two years of completed botanical survey results and obtain CDFW's written approval of the results or may assume presence of Burke's goldfields and Sebastopol meadowfoam. The botanical survey results shall follow CDFW's 2018 <i>Protocols for Surveying and Evaluating Impacts to Special-Status Native Plant Populations and Sensitive Natural Communities</i> (see: https://wildlife.ca.gov/Conservation/Survey-Protocols#la-377281280-plants) and the <i>Santa Rosa Plain Conservation Strategy, Appendix D: Guidelines for Conducting and Reporting Botanical Inventories for Federally Listed Plants on the Santa Rosa Plain</i>. If CDFW is unable to accept the survey results, the project applicant shall conduct additional surveys prior to initiation of project activities or may assume presence of Burke's goldfields and Sebastopol meadowfoam. Please be advised that for CDFW to accept the results, they should be completed in conformance with the above survey protocols, including, but not limited to, conducting surveys during appropriate conditions, utilizing appropriate reference sites, and evaluating all direct and indirect impacts such as altering off-site hydrological conditions where the above species may be present. Surveys conducted during drought conditions may not be acceptable. If the botanical surveys result in the detection of the above CESA listed plants that may be impacted by the project, or the presence of these species is assumed, the project applicant shall provide habitat compensation at a minimum 3:1 mitigation to</p>	<p>Prior to ground disturbance</p>	<p>Project Applicant</p>

Chad Broussard
 Department of Interior, Bureau of Indian Affairs
 November 8, 2023
 Page 8

<p>impact ratio based on acreage of habitat impacted, and obtain CDFW's written approval of the habitat compensation, prior to the start of project construction, unless otherwise approved in writing by CDFW. Habitat compensation shall include purchasing credits from a CDFW-approved conservation bank or placing a conservation easement over habitat where the species occurs and funding and implementing a long-term management plan in perpetuity. If impacts to Burke's goldfields and Sebastopol meadowfoam may occur, the project shall also obtain a CESA ITP from CDFW prior to construction and comply with all requirements of the ITP.</p>		
<p>MM-BIO-2: For project activities that may substantially alter the bed, bank, or channel of any streams (including ephemeral or intermittent streams), the project shall submit an LSA Notification to CDFW prior to project construction (see: https://epims.wildlife.ca.gov/index.do). If CDFW determines that an LSA Agreement is warranted, the project shall comply with all required measures in the LSA Agreement, including, but not limited to, requirements to mitigate impacts to the streams and riparian habitat. Permanent impacts to the stream and associated riparian habitat shall be mitigated by restoration of riparian habitat at a 3:1 mitigation to impact ratio based on acreage and linear distance as close to the project area as possible and within the same watershed and year as the impact, unless otherwise approved in writing by CDFW. Temporary impacts shall be restored on-site in the same year as the impact.</p>	<p>Prior to ground disturbance and continuing over the course of the project</p>	<p>Project Applicant</p>

From: Mark Heine <mheine@sonomacountyfd.org>
Sent: Friday, November 10, 2023 4:21 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: William Adams <bill@wladamspc.com>; Ron Busch <rbusch@sonomacountyfd.org>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please see the attached letter from the Sonoma County Fire District.

Mark Heine | Fire Chief

Sonoma County Fire District
Honesty ♦ Respect ♦ Integrity
8200 Old Redwood Highway, Windsor, CA. 95492
Office (707) 892-2000 | Mobile (707) 696-7500
mheine@sonomacountyfd.org
<http://www.sonomacountyfd.org>

SONOMA COUNTY FIRE DISTRICT

Honesty ♦ Respect ♦ Integrity

November 10, 2023

Amy Dutschke, Regional Director
Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Transmitted via Email to: chad.broussard@bia.gov

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke and Mr. Broussard:

This letter provides the comments of the Sonoma County Fire District ("SCFD") regarding the Bureau of Indian Affairs' Environmental Assessment of the Koi Nation Shiloh Resort and Casino project in Sonoma County, California ("the project"). SCFD is the regional agency that provides fire prevention, fire suppression, emergency operations center management, and emergency medical services to the Town of Windsor and unincorporated area of Sonoma County where the project is proposed.

Based on the review by the SCFD Fire Marshal and Fire Prevention Division, the project will adhere to the California Building Code section 7A, essentially building with ignition resistant construction. While the footprint of the project is in the Local Responsibility Area ("LRA") and not traditionally required, this will be a supplemental measure that will provide additional safety measures to building sustainability under wildfire conditions. Furthermore, the proposed parking garage on the northeast area of the project would add a "fire resistive feature" to this area of the project, as the parking garage will be built with non-combustible materials. Finally, as is the case with any development project within SCFD service areas, the Koi Nation and SCFD will coordinate for additional staffing, equipment, and facilities needed to support the project and surrounding community based on the impacts of the project.

With regard to evacuation preparedness, transportation and circulation, and environmental resources impacts, SCFD defers to the County of Sonoma and Town of Windsor which are the jurisdictions with authority and responsibility for these issues and project consequences.

Sincerely,



Mark Heine
Fire Chief

From: Patrick Streeter <pstreeter@townofwindsor.com>
Sent: Monday, November 13, 2023 4:23 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Jon Davis <jdavis@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino - Town of Windsor, California

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad Broussard,

Attached please find comments from the Town of Windsor, California regarding the Koi Nation Shiloh Resort and Casino Environmental Assessment.

Please acknowledge receipt and contact me if you have any questions.

Thank you,

Patrick N. Streeter, AICP | Community Development Director

Town of Windsor |9291 Old Redwood Highway, Bldg. 400|Windsor, CA 95492
707 838-1000 Main via Text or Phone | 707 838-5313 Direct| 707 838-7349 Fax
www.townofwindsor.com

2 Attachments • Scanned by Gmail



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Mayor
Rosa Reynoza

Vice Mayor, District 2
Sam Salmon

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project
Town of Windsor Comments on Environmental Assessment
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project.

Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, “when feasible” and “when practicable.” Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.1.4), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETC requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.

11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detraction of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a [Storm Drainage Master Plan](#) where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that “these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway” and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the [Generation Housing State of Housing in Sonoma County Report](#), 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. “Clean fuel fleet vehicles” should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
 - a. Provide temporary housing facilities on-site for the construction workers (2,196).
 - b. Provide permanent affordable housing on-site for casino workers (1,571).
 - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
 - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the [Generation Housing State of Housing in Sonoma County Report](#), published in April 2023.

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:
 - a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
 - b. Shiloh Road/Hembree Lane: Optimize signal timing.
 - c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
 - d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.
29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:
 - a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. Shiloh Road/US 101 North Off-Ramp: The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS’s mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. Shiloh Road/Old Redwood Highway Intersection: In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. Shiloh Road/Hembree Lane: The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
 - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
 - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
 33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
 34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
 35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
 36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
 - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
 - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
 - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road

Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to “enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.” Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County’s cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
 - a. Traffic, noise, accidents, DUI’s, loud exhaust, and speeding.
 - b. Disturbing the peace/Public Intoxication
 - c. Trespassing
 - d. Property Crimes
 - e. Prostitution
 - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

Noise

50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

Hazardous Materials and Hazards

51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuation routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafficheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafficheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a “No-Notice Event” and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to “develop a project-specific evacuation plan” prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
 - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
 - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
 - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick N. Streeter', with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

From: BARBARA SACKETT <sackettbarbara@yahoo.com>
Sent: Thursday, January 27, 2022 9:52 AM
To: Town Council
Cc: Barbara Sackett
Subject: New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead, it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

From: [Mark Linder](#)
To: [Abbie Williams: Town Council](#)
Subject: RE: How dare you
Date: Friday, February 4, 2022 10:10:19 AM

Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder
Interim Town Manager

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

From: Abbie Williams <abbie.earthinfofocus@gmail.com>
Sent: Friday, February 4, 2022 9:48 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams 1194 Eagle Dr., Windsor CA 95492.

Abbie Williams
415-531-7495

From: [Al Storms](#)
To: [Town Council](#)
Subject: No casino
Date: Monday, February 14, 2022 6:10:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shorty after its done

From: David C. Brayton <david.brayton@gmail.com>
Sent: Sunday, April 17, 2022 6:45:36 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton

From: Carrie Marvin <caretoride@yahoo.com>
Sent: Saturday, April 16, 2022 7:08:43 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsoe would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino.

This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods.

Thank you.

Carrie, Jon and Theo Marvin

[REDACTED]

windsor

Sent from my iPhone

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Saturday, April 16, 2022 7:32:41 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton
[REDACTED]
Windsor, CA 95492

From: cd4ques@aim.com <cd4ques@aol.com>

Sent: Saturday, April 16, 2022 11:16:52 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

From: Katherine Schram <schram@sonic.net>
Sent: Sunday, April 17, 2022 5:58:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,
Katherine Schram

From: Linda McBride <linda.mcbride@icloud.com>
Sent: Sunday, April 17, 2022 7:54:55 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

From: Amy Hoover <amychoover@gmail.com>
Sent: Sunday, April 17, 2022 1:15:14 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover



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Sent from Gmail Mobile

From: jscoppedge@att.net <jscoppedge@att.net>

Sent: Sunday, April 17, 2022 3:55:10 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

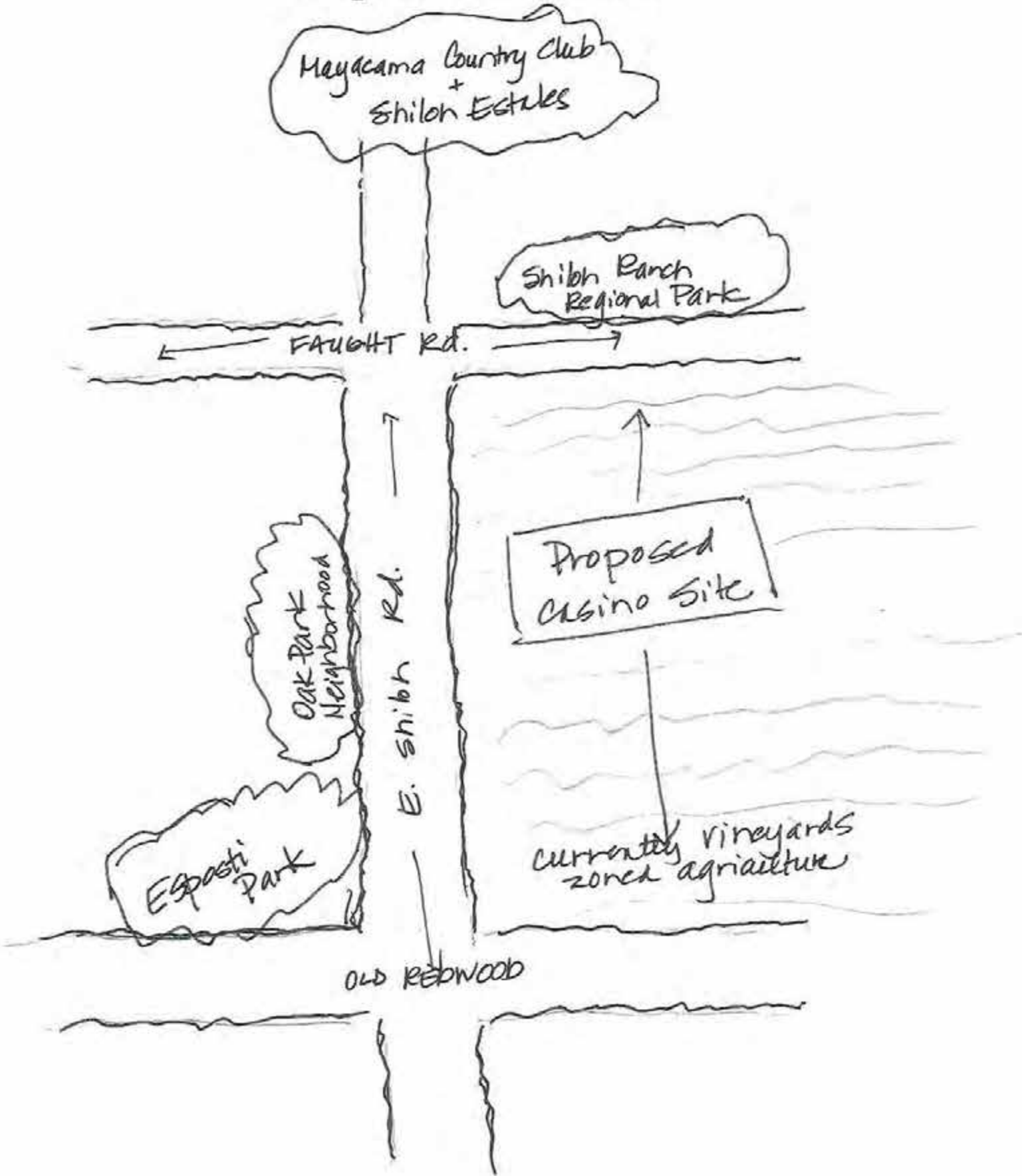
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



From: Elizabeth Acosta [REDACTED]
Sent: Saturday, April 16, 2022 3:48:25 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: April 20, 2022, Town Council Agenda; item 12.4

Please redact our email address prior to publishing on the Town's website; please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta
Windsor Residents (D-4)

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

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Be yourself, everyone else is taken.

From: Tayler Hockett <hocketttayler@yahoo.com>
Sent: Monday, April 18, 2022 11:09 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

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

From: Lynn Darst <backpackers_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst


Sent from my I-Pad

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

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- private Country Club
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- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
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FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

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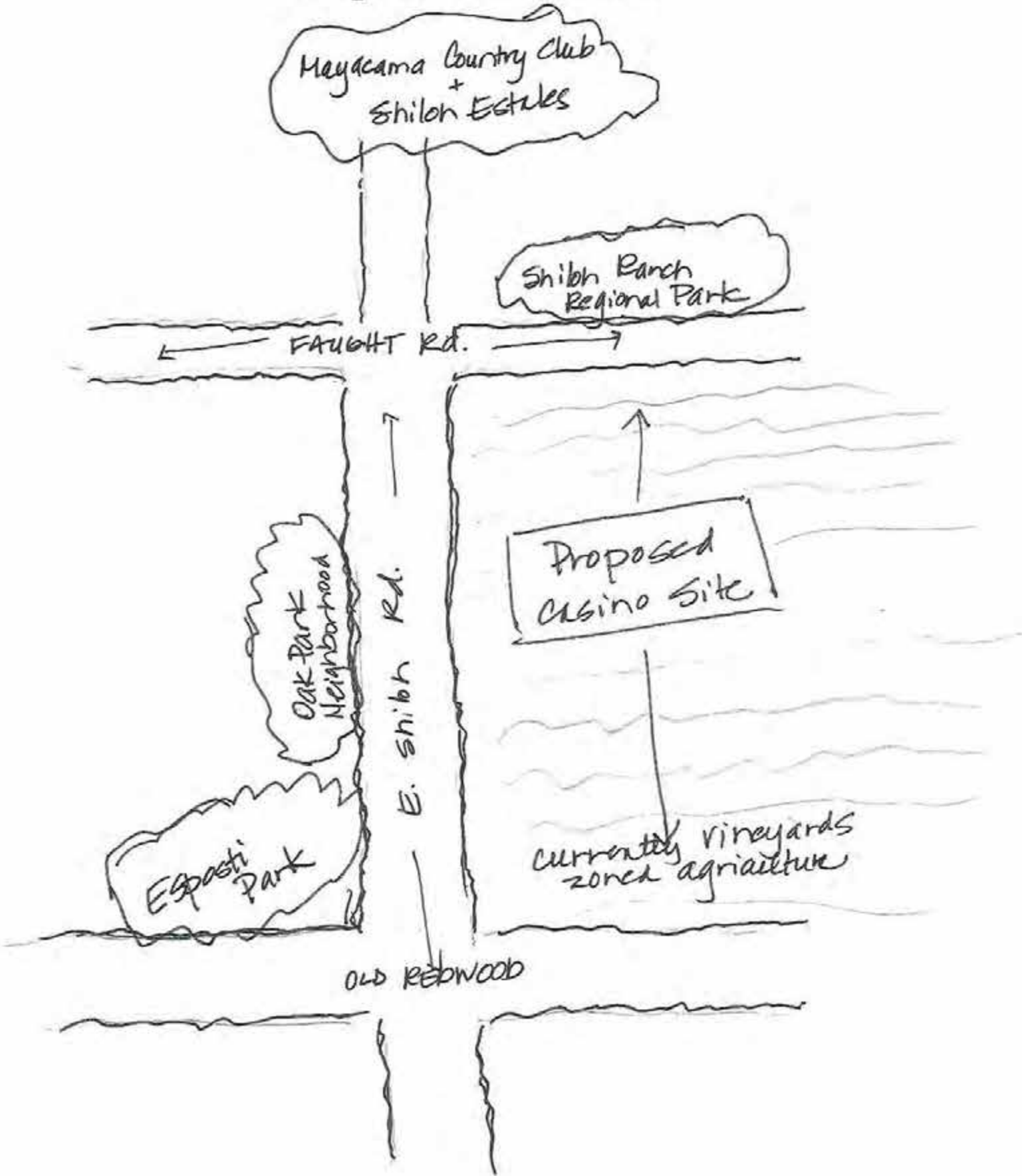
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GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, June 30, 2022 9:39 AM
To: Town Council; Mark Linder; Patrick Streeter
Cc: Irene Camacho-Werby
Subject: Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

From: Deanna Williamson <Deanna.Williamson@jfwmail.com>
Sent: Wednesday, June 7, 2023 11:52 AM
To: Town Council
Cc: icarus062@yahoo.com; D Williamson
Subject: No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807
deanna.williamson@jfwmail.com
www.JacksonFamilyWines.com



Irene Camacho-Werby

From: Mark Linder
Sent: Monday, February 28, 2022 1:32 PM
To: Nina Cote; Town Council
Subject: RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder
Interim Town Manager

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

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Monday, February 28, 2022 12:00 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Nina Cote <nina.cote@sbcglobal.net>
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote'
Our Community Matters
707-293-4919
5828 Mathilde Drive
Nina.cote@sbcglobal.net
Our communitymatters2@gmail.com

Irene Camacho-Werby

From: Lynn Darst <backpackers_darst@sprynet.com>
Sent: Monday, April 18, 2022 1:56 PM
To: Town Council
Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council
Subject: Shiloh Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
224 Lea St, Windsor, CA 95492

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

From: Joan Chance <joanchance@comcast.net>
Sent: Tuesday, April 19, 2022 7:54 PM
To: Town Council
Subject: Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

Irene Camacho-Werby

From: suzibill <suzibill@sonic.net>
Sent: Tuesday, April 19, 2022 6:19 PM
To: Town Council
Subject: Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

From: Laurie <meanlaureen@gmail.com>
Sent: Wednesday, April 20, 2022 9:03 AM
To: Town Council
Subject: Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,

I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from [Mail](#) for Windows

Irene Camacho-Werby

From: Todd S <tlcl.sloan@gmail.com>
Sent: Wednesday, April 20, 2022 9:06 AM
To: Town Council
Subject: Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods.

It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,

Todd Sloan

Sent from my iPad

Irene Camacho-Werby

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Wednesday, April 20, 2022 1:04 AM
To: Town Council
Subject: Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

Sincerely, Nina Cote'
Windsor Resident

Irene Camacho-Werby

From: carolmartin016@gmail.com
Sent: Wednesday, April 20, 2022 11:55 AM
To: Town Council
Subject: Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:

Chad Broussard @ BIA
Tribal Affairs, Sonoma County
Sn McGuire
City of Windsor Town Council

From: Bob and Nancy Jenkins
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino. The Board said in a statement that the Koi are a "non-Sonoma County tribe." The board said it came to the decision based on letters of **opposition from five other Sonoma County tribes: The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

Sonoma County doesn't need another casino. The planned **casino** would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Beverly Hong <bevhongwalsh@gmail.com>
Sent: Thursday, October 26, 2023 9:21 PM
To: singer@singersf.com
Cc: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh

70 Ellie Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

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I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>
Sent: Sunday, October 9, 2022 10:13 AM
To: Town Council
Subject: Please Recind and Revise Proclamation
Attachments: OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council
9291 Old Redwood Highway #400
Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation. Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project. On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring ..." Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

[Ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 8:33 PM
To: Kimberly Jordan
Cc: Irene Camacho-Werby
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

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Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,
The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.
Best Regards, Kim J

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 3:58 PM
To: Irene Camacho-Werby <iwerby@townofwindsor.com>
Cc: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

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Thank you for this.

- 1.) Do you know the names of the business that will be operating under the apartments on Shiloh?
- 2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?
- 3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : (Distressing news.

Patty
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby
<iwerby@townofwindsor.com> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,
Irene

Town Clerk | Town of Windsor
Office (707) 838-5315
iwerby@townofwindsor.com
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

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

From: Kimberly Jordan <kjordan@townofwindsor.com>
Sent: Wednesday, November 17, 2021 1:19 PM
To: Patty Lundberg <p.lundberg@ymail.com>
Cc: Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

7349 Fax| Monday – Thursday 7am - 6pm www.townofwindsor.com

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit www.townofwindsor.com for more information.

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

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 12:38 PM
To: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: New construction in Windsor

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Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.

2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

Irene Camacho-Werby

From: Lisa Shatnawi <lisashatnawi@gmail.com>
Sent: Sunday, August 28, 2022 4:55 PM
To: Town Council
Subject: Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!
I just want to weigh in on the casino and asphalt plant possibilities.
No to both! Let's keep our little town small and a sanctuary for us residents!
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

From: walterbrusz@comcast.net
Sent: Wednesday, April 20, 2022 12:00 PM
To: Town Council
Subject: Attached public comment on Casino Resolution
Attachments: Windsor Town Council comment 042022.docx

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Please find attached my public comment.

Walter Bruszewski

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

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Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council
Cc: Mark Linder; Irene Camacho-Werby
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

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Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

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Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

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Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive
Windsor, California 95492

Telephone: (707) 293-4919
Email: ourcommunitymatters2@gmail.com

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

Paula Hart, Director
Office of Indian Gaming
U.S. Department of the Interior
1849 C Street, N.W.
MS-3543-MIB
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

Our Community Matters, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a “restored lands” determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the “Tribe”). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act (“IGRA”).

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the “Shiloh Property”). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe’s proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe’s proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management’s (“OIGM’s”) review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

I. The Tribe’s Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA

A. IGRA’s Legal and Regulatory Framework

Indian tribes may operate casinos only on “Indian lands” that are eligible for gaming under the IGRA. To be deemed “Indian lands” per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe’s reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.¹

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

Our Community Matters understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.² The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,³ the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.⁴ The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

¹ See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

² See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-cou/>.

³ See *Koi Nation of N. California v. United States Dep't of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), amended sub nom. *Koi Nation of N. California v. United States Dep't of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and appeal dismissed sub nom. *Koi Nation of N. California v. United States Dep't of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

⁴ See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), aff'd 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg at 29,366.)

B. The Shiloh Property is Not the Tribe’s “Restored” Lands

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.⁵ Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.⁶ The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.⁷ While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

⁵ See <https://www.koinationsonoma.com/history/>.

⁶ See <https://www.koinationsonoma.com/history/>.

⁷ See https://windsor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164, at pages 10, *et seq.*, and Attachment A.

tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection *to the land.*” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.⁸ In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.⁹

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”¹⁰ *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (*see* Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

⁸ See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

⁹ See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

¹⁰ See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,¹¹ which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

B. Lack of Sufficient Wildfire Evacuation Corridors

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

C. Lack of Hospitality Workers

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.¹²

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

¹¹ See <https://www.drought.gov/states/California/county/Sonoma>.

¹² See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”¹³ The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.¹⁴

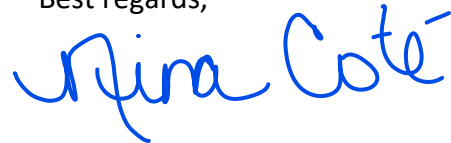
Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

Our Community Matters urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,



Nina Cote
Steering Committee Chair
Our Community Matters

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

¹³ See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

¹⁴ See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

Attachment 1

Page 1 of 3

This document was electronically submitted to the County of Sonoma for recording

2021100185

Official Records of Sonoma County
Deed Part 18 Procs
#2021100185-00-00-00
FIDELITY NATIONAL TITLE | SONOMA TITLE | EN

DEED 3 Pgs

Fee: \$36.00
County Tax: \$13,536.00



RECORDING REQUESTED BY:
Fidelity National Title Company

When Recorded Mail Document
and Tax Statement To:
SONOMA ROSE, LLC

Escrow Order No.: FSNX-7052000481CF

Property Address: 222 E. Shiloh Road,
Santa Rosa, CA 95403
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt from fee per DC 21285.1(a)(2): This document is a transfer that is subject to Documentary Transfer Tax

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 The documentary transfer tax is \$13,536.00 and is computed on
 the full value of the interest or property conveyed.
 the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randall C. Clifton and Cynthia A. Clifton, Trustees of The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property is the Unincorporated Area of the County of Sonoma, State of California

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
ECN000123.ecf Uploaded: 06/26/21

Printed: 06/27/21 @ 10:06 AM
CA-77-10000185-00078-Print-10000001

GRANT DEED
(continued)

APN/Parcel ID(s): 059-300-003-003

Dated: September 1, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Randal C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

BY Randal C. Clifton
Randal C. Clifton, Trustee

BY Cynthia A. Clifton
Cynthia A. Clifton, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On September 1, 2021 before me, Carol Hernandez Notary Public,
(Please insert name and title of the officer)

personally appeared Randal C. Clifton and Cynthia A. Clifton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
[Signature]
Signature



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-300-003-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 6 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20, thence East along the Northerly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.01 chains, more or less, to the Northeast corner of a tract of land conveyed by Eliza C. Mayo to CHARLES T. Mathison and Cynthia E. Mathison, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records, thence South 76° 18' West, along the Northerly boundary of said tract of land conveyed to said Mathison, 75.68 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwest along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as instrument No. 2006132266, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



Our Community Matters
P.O. Box 1421
Windsor, CA 95492

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?.

Mayor Salmon, this is **NOT** an opportunity to seek economic expansion at the expense of safety. This is **NOT** an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in cursive script that reads "Lynn R. Darst".

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams



Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.


Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M. McCarty
L.W. Harrison


Windsor, CA

Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>
Sent: Sunday, October 15, 2023 5:52:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Item number 12.2 town agenda


CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.


The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche


Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincade fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50'** from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

NOTICE TO RECIPIENT: If you are not the intended recipient of this e-mail, you are prohibited from sharing, copying, or otherwise using or disclosing its contents. If you have received this e-mail in error, please notify the sender immediately by reply e-mail and permanently delete this e-mail and any attachments without reading, forwarding or saving them. v.173.295 Thank you.

From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom

[REDACTED]
Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

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- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
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- deaths—6; -size—363,200 acres
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- size—67,500 acres
- buildings destroyed—1,555
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Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

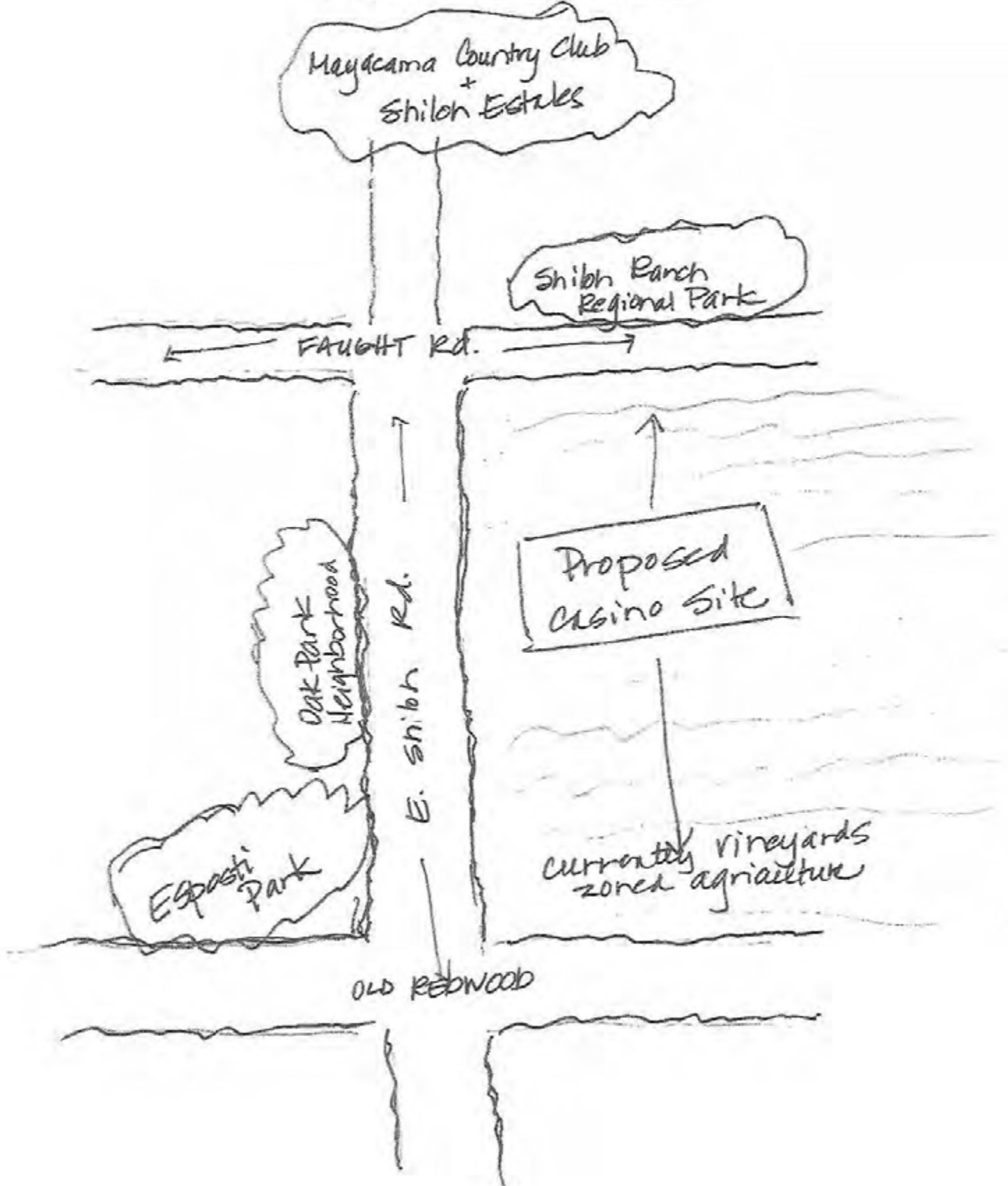


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>
Sent: Monday, October 16, 2023 5:06:49 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I do not want Shiloh Casino in my residential neighborhood

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged . Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

[REDACTED]

Windsor, CA 95492

phone [REDACTED]

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthened by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS** to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor. They have not proven that there is **not** significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a **SIGNIFICANT ADVERSE IMPACT** to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT** to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an **UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT** to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 17, 2023

Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George



October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
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We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



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- deaths—22; size—36,800 acres
- buildings destroyed—5,640
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- approx. 75 homes
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- private Country Club
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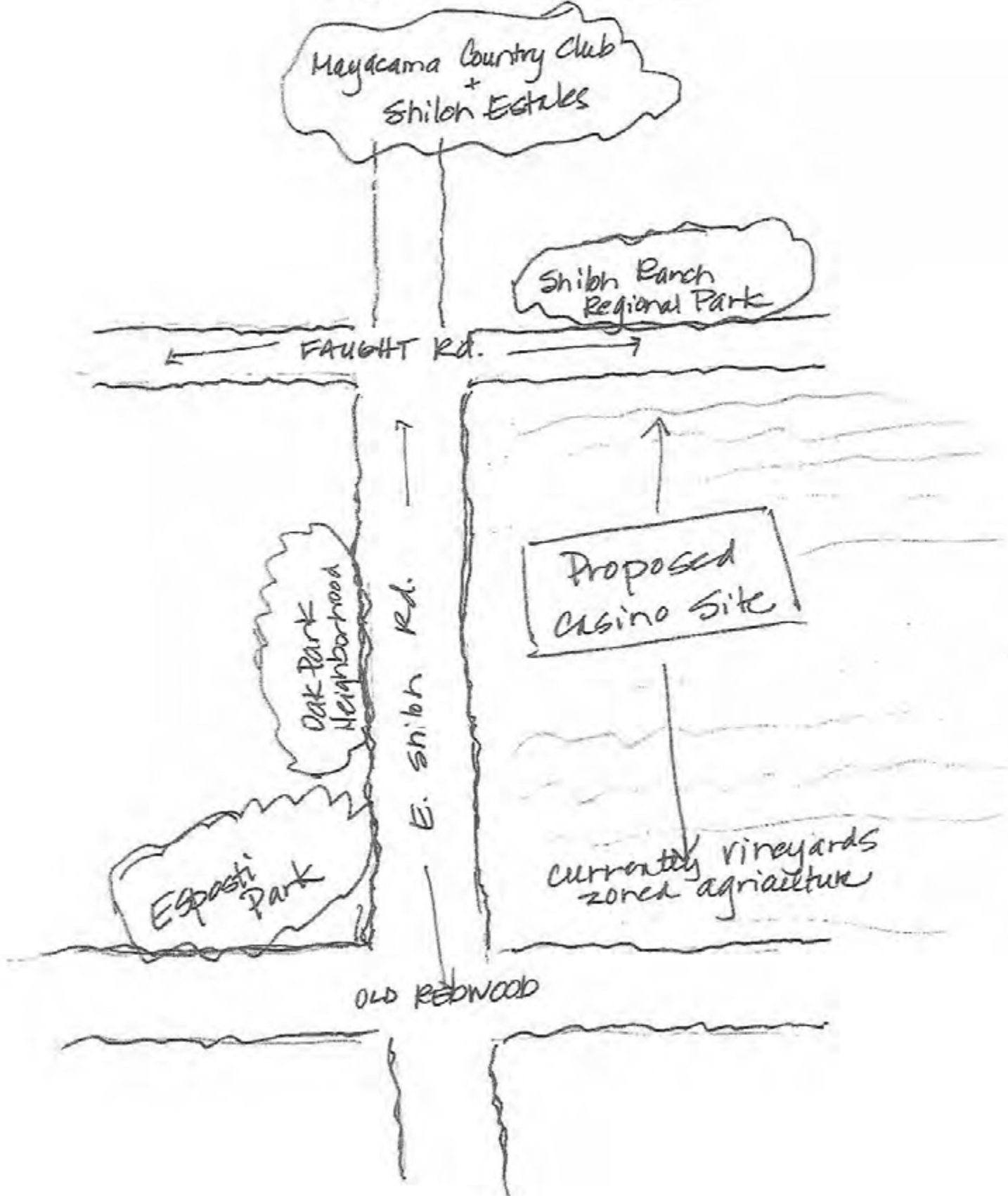


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: Indigo Bannister <ibannister@westyost.com>
Sent: Monday, November 13, 2023 4:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: arodgers@santarosaplaingroundwater.org <arodgers@santarosaplaingroundwater.org>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Good afternoon –

Please find attached comments on the Environmental Assessment for the Koi Nation's Shiloh Resort from the Santa Rosa Plain Groundwater Sustainability Agency.

Please let us know if you have any questions or would like to discuss further.

Thank you,
Indigo

Indigo Bannister

Santa Rosa Plain Groundwater Sustainability Agency (GSA)

www.santarosaplaingroundwater.org



November 13, 2023

Amy Dutschke, Regional Director
Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

RE: Comments on Koi Nation of Northern California Shiloh Resort and Casino Project Environmental Assessment

This letter presents comments on behalf of the members of the Santa Rosa Plain Groundwater Sustainability Agency (GSA). We appreciate the opportunity to comment on the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project (Proposed Project).

The Proposed Project would receive their water supply from on-site wells located within the Santa Rosa Plain Groundwater Subbasin (Subbasin) and recycled water from on-site wastewater treatment facilities.

The GSA is responsible for sustainably managing groundwater resources within the Subbasin and has adopted the Santa Rosa Plain Groundwater Sustainability Plain (GSP)¹, which was approved by the California Department of Water Resources in January 2023. The GSP establishes a standard for sustainability of groundwater management and use and determines how the Subbasin will achieve this standard by 2042. Available information from the approved GSP and the Water Year 2022 Annual Report² should be reviewed and incorporated into relevant analyses performed for the EA. Specific areas of analyses which the EA should focus on include:

- Evaluating the impact of groundwater pumping from the Proposed Project on sustainability indicators defined in the GSP, in particular chronic lowering of groundwater levels, groundwater storage, depletion of interconnected surface water, and water quality. The GSP includes

Board of Directors

Susan Harvey
City of Cotati, Chair

Emily Sanborn
City of Rohnert Park

Joe Dutton
Gold Ridge RCD

Lynda Hopkins
Sonoma Water

Evan Jacobs
Independent Water
Systems

Sam Salmon
Town of Windsor

John Nagle
Sonoma RCD

Mark Stapp
City of Santa Rosa

Neysa Hinton
City of Sebastopol

Chris Coursey
County of Sonoma

¹ Sonoma Water, 2021. Groundwater Sustainability Plan, Santa Rosa Plain Groundwater Subbasin. Prepared for the Santa Rosa Plain Groundwater Sustainability Agency. <https://santarosaplainingroundwater.org/gsp/>

² Sonoma Water, 2023. Water Year 2022 Annual Report, Santa Rosa Plain Groundwater Subbasin. Prepared for the Santa Rosa Plain Groundwater Sustainability Agency. March <https://santarosaplainingroundwater.org/annual-reports/>

sustainable management criteria (SMC) for each of these sustainability indicators, which should be compared with projected groundwater impacts from the Proposed Project in order to determine whether cumulative impacts to groundwater would be significant.

- The EA should include an analysis of potential impacts on groundwater dependent ecosystems, as well as an analysis of whether any of the species identified in the Biological Resources section of the EA are considered part of a groundwater-dependent ecosystem and include mitigation measures to the extent feasible.
- The EA should conduct a quantitative analysis of potential well interference effects associated with future groundwater pumping on existing and reasonably foreseeable future nearby water wells. The Town of Windsor's Water Mater Plan identifies increasing groundwater extraction from the Esposti Park wells. The Proposed Project should evaluate the cumulative impact of the Town's increased extraction.

The EA should also describe how "local vineyard irrigation sources containing typical irrigation rates for Windsor, Carneros, Napa, and Sonoma County were consulted" to derive the estimated vineyard irrigation rate of 0.317 AFY/acre used in Appendix C of the EA, as this is appreciably lower than the 0.6 AFY/acre assumption used by the GSA and County of Sonoma.

Should the borehole for any future new on-site water-supply wells be drilled across separate and distinct aquifer zones, please limit communication between shallow and deep aquifer systems by limiting the well screen interval and gravel pack to a singular aquifer system and using solid casing and annular seals across any identified significant and laterally extensive aquitards, consistent with groundwater management best practices.

The GSA encourages the Koi Nation of Northern California (Tribe) to maximize the onsite use of recycled water to help offset the need to pump groundwater from the Subbasin, to the fullest extent feasible. The Tribe should also consider funding projects that reduce groundwater demand and supplement groundwater supplies through recharge enhancement to offset any projected water demands associated with the Project which cannot be met through recycled water deliveries. Applicable projects identified within the GSP and currently being pursued by the GSA include a Water-Use Efficiency (WUE) Assessment and Pilot Program for groundwater users and planning and implementation of Aquifer Storage and Recovery (ASR) projects.

We encourage the Tribe to share any data obtained during project development and operation that would support filling data gaps identified in the GSP,

including any geophysical logs, water quality data, pump test results, meter readings, and ongoing groundwater level and usage measurements.

The GSA requests that the Bureau of Indian Affairs consider the above comments, questions, and recommendations. The GSA appreciates the opportunity to provide these comments and welcomes a collaborative relationship with the Tribe on the sustainable management of this shared and precious resource to the benefit of the Tribe and the local community.

If you have any questions or concerns about the GSA's input, or would like to meet to discuss, please contact me at (707) 243-8555 or arodgers@santarosaplaingroundwater.org.

Respectfully,

A handwritten signature in blue ink, consisting of a stylized, flowing line that starts with a small loop and ends with a long, horizontal stroke.

Andy Rodgers, Administrator
Santa Rosa Plain Groundwater Sustainability Agency

From: Verne Ball <Verne.Ball@sonoma-county.org>
Sent: Monday, November 13, 2023 1:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Attached please find the comments of Sonoma County on the Koi Nation of Northern California Shiloh Resort and Casino Project Environmental Assessment. A hard copy is also being sent to Ms. Dutschke. Thank you, and I would very much appreciate it if you would acknowledge receipt.

Thank you,

575 Administration Drive, Rm. 105A, Santa Rosa, CA 95403

One attachment • Scanned by Gmail



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CHRISTA SHAW
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LUKE BOWMAN
MATTHEW LILLIGREN
MAILE DUNLAP
KRISTIN HORRELL
IVAN JIMENEZ
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ETHAN PAWSON
JOSEPH ZAPATA
ALEXANDRA APODACA

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm W-2820
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Chad Broussard (via email)
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
Chad.broussard@bia.gov

RE: EA Comments, Koi Nation Shiloh Resort and Casino

November 13, 2023

Dear Ms. Dutschke and Mr. Broussard:

On behalf of the County of Sonoma, thank you for considering these comments on the Environmental Assessment (EA) prepared for the Koi Nation's proposed fee-to-trust application for its Shiloh Resort and Casino Project. The County is mindful of the Bureau of Indian Affairs' (Bureau) roles in reviewing and deciding on the application made by the Koi Nation and its role as a trustee for lands already held in trust for tribes in Sonoma County. The County is respectful of tribal sovereignty and understands the need for tribal self-determination and economic development to provide for tribal members. At the same time, Sonoma County objects to any attempt on the part of the federal government to take the present 68 acres of land located east of the Town of Windsor into trust for the benefit of the tribe for gaming in a manner that violates federal law.

Given the significant impacts of the project, and the controlling law that requires an Environmental Impact Statement (EIS) on these facts, the County of Sonoma respectfully urges the Bureau to forego any attempt to use this document to support a Finding of No Significant Impact (FONSI). This is not supportable. The County of Sonoma objects to the inadequate analysis and mitigation in the EA, and the failure of the Bureau to take a "hard look" at the environmental consequences of this proposal, as required by the National Environmental Policy Act (NEPA).

The Bureau should stop, think, and prepare the EIS that NEPA requires.

I. The EA contains inadequate analysis of the significant impacts of the project and an EIS must be prepared.

The Bureau has prepared a complete EIS for other very similar casino projects within Sonoma County, as well as elsewhere in California. By way of example, in Sonoma County, the Cloverdale Rancheria Band of Pomo Indians' fee-to-trust application sought 69.77 acres of land in trust for gaming about 25 miles north of the subject site. An EIS was prepared for the Cloverdale project.¹ The Bureau's action on the Cloverdale site was for a resort casino and hotel, including a tribal government building and 3,400 parking spaces, for a total non-parking square footage of 595,600 square feet. By way of comparison, the Koi Nation's project is for a similar project without a government building, and totals 807,067 square feet for non-parking coverage, and 5,119 parking spaces in addition (1,689,380 square feet in addition). For a similarly sized proposed land area, the Koi casino square footage is 135.5% of that proposed by Cloverdale, its hotel rooms are 164% of that proposed by Cloverdale, and the number of parking spaces is 150.5% of that proposed by Cloverdale. Even if the current project were to be reduced in size to what Cloverdale proposed, common sense would dictate an EIA. While an EA may be appropriate for some projects, the Koi Nation's destination casino project is not one of them.

The EA concedes that the project will have numerous significant impacts, but then backs away from the obviously required significance findings based on regulatory requirements that do not exist, inadequate baseline information to inform analysis, inadequate environmental analysis of direct and indirect impacts, inadequate analysis of cumulative impacts, inadequate and unenforceable mitigation requirements, the strategic mischaracterization of mitigation as "part of the project" to avoid accountability, vague and unenforceable project assumptions, and in many cases, a refusal to implement all the recommendations of the consultants that the EA itself relies upon.

The decision not to prepare an EIS for this project reflects a conscious refusal to take a hard look at the impacts of the project and indicates that NEPA review is improperly being used to paper over a decision that has already been made.

II. The EA is affirmatively misleading with respect to the "regulatory setting," contains no discussion of mitigation efficacy, and no evidence that key mitigation will be effective.

The EA is filled with references to California state law and State and local regulatory standards. State law is discussed in most of the "Regulatory Setting" sections of the impact discussions, and also in Appendix E. However, the project may only be

¹ <http://www.cloverdalerancheria.com/eis/deis.htm>

built if the land is in trust and hence not within the civil regulatory jurisdiction of the State of California or County of Sonoma. Each reference is misleading because the referenced State legal requirements and local regulatory requirements do not apply to the project. The EA avoids providing a description and discussion of the actual regulatory setting (and associated issues with mitigation implementation that this setting presents). Tribal sovereign immunity is not mentioned in the EA, much less in the context of mitigation measures.

There is no discussion of what mechanism will be available or used by the Bureau as the decisionmaker on the Koi Nation's fee to trust application to impose enforceable mitigation on the Tribe. It is one thing to discuss how environmental impacts are addressed by existing, enforceable requirements, but it is quite another to pretend that impacts are addressed by background regulations that do not exist.

In places, the EA's impressionistic discussion of State law and tribal requirements is about as far from a "hard look" as one can get. Section 2.1.9 states:

The proposed facilities would conform to applicable tribal building code requirements, which would be generally consistent with the CBC and California Public Safety Code, including building, electrical, energy, mechanical, plumbing, fire protection, and safety. An indoor sprinkler system would be installed to provide fire protection.

There is no indication that the Tribe currently has tribal building codes with "applicable" requirements, but if they existed, they would apparently only be "generally" consistent with the "California Public Safety Code" – a California statute that does not exist. The analysis appears to be based on an imaginary code that is based on an imaginary code. If there are tribal codes that apply, their text should be provided in the NEPA process such that their adequacy can be commented upon and evaluated.

It is also clear on the face of the EA that cited regulatory standards are being ignored. As noted by West Yost (Exhibit A), a great deal of emphasis is placed on compliance with Title 22 of the California Code of Regulations in the EA's discussion of recycled water (EA, Appendix B, 2-16, 4-2 and 4-3), but the whole dual plumbing design (using non-potable water within a building with food facilities, 22 Cal. Code Regs. § 60313), squarely violates Title 22.²

² Assuming compliance with Title 22 and non-compliance at the same time makes the EA fundamentally unclear. A project that complies with Title 22 would require a different water balance analysis than is found in the EA.

Compounding the problem is the fact that the EA discusses critical mitigation measures as “Best Management Practices” (Table 2.1-3) raising the issue of whether these purported “practices” will actually occur absent monitoring and enforcement. The Bureau’s own NEPA guidance (59 IAM 3-H) is clear that mitigation measures must be enforceable to justify a FONSI. Simultaneously, the Bureau’s analysis in the EA is clear that compliance with Table 2.1-3 is critical to the impact conclusions in the EA. The analysis returns to Table 2.1-3 for these conclusions repeatedly. There must, at a minimum, be a mitigation measure that requires compliance with Table 2.1-3 or, alternatively an explanation of how these critical requirements (which are not at all part of background legal requirements for the project) will be monitored and enforced. The entirety of Table 2.1-3 must be rewritten to allow the evaluation of the efficacy of the mitigation and remove the escape clauses – by way of example, “[e]xhaust stack and vents will be positioned to limit odor exposure to sensitive receptors *to the extent feasible*.” Characterizing critical “mitigation” as “practices” to avoid environmental accountability hides the ball in terms of impact analysis and subverts NEPA’s basic purpose.

The failure to discuss the actual “regulatory setting,” and the related failure to discuss why the “practices” and “measures” will be effective within that regulatory setting, is a fatal omission for NEPA compliance. The EA fails to provide the “reasonably complete discussion of possible mitigation measures” that is necessary to facilitate the “action forcing’ function of NEPA.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989); *S. Fork Band Council of W. Shoshone v. United States DOI*, 588 F.3d 718, 727 (9th Cir. 2009). Credible information on the efficacy of “practices” or “measures” must be provided, and enforcement and monitoring must be implemented. Where “measures” or “practices” are illusory, they cannot legally provide the basis for a FONSI.

III. The EA’s discussion of groundwater and water quality impacts is inaccurate and utterly inadequate.

The EA assumes that Pacific salmonids are not present in Pruitt Creek, stating “[l]isted Pacific salmonids are assumed to be absent from Pruitt Creek based on observations from the February 23, 2022, site assessment coupled with background research and lack of historic occurrences. The potential for Pacific salmonids to occur and use habitat in this far east portion of the Russian River Basin is temporally and physically limited.” In reality, federally listed steelhead, *Oncorhynchus mykiss*, 79 Fed. Reg. 20802, 20807 (2014), are known to exist in Pruitt Creek, and the attached memorandum by Jeff Church, a Sonoma County Water Agency biologist, documents observations both upstream and downstream from the project location. (Exhibit B.) Steelhead use this location, and the location is designated critical habitat. 70 Fed. Reg. 52488 (2005).

It is true that the reach of Pruitt Creek at the project site is intermittent, but the Bureau reaches the exact wrong conclusion based on this fact. The Bureau should recognize that this fish habitat is exceedingly sensitive to dewatering and pollution impacts, rather than justifying a truncated investigation based on an incorrect assumption that federally listed fish species are not present. As discussed by West Yost (Exhibit A), dewatering impacts need to be evaluated based on an evaluation of the baseline conditions that is sufficient to inform the impact analysis, and the EA makes conclusions that are entirely unwarranted based on the evidence. The Bureau may not rely on its own lack of investigation into hydrologic conditions to justify discounting environmental impacts. *S. Fork Band Council of W. Shoshone*, 588 F.3d at 727. The current cursory investigation and analysis is not adequate to determine that the project will not adversely modify critical habitat³ and result in significant impacts to salmonids. The project may well result in both significant impacts and violations of section 9 of the Endangered Species Act.

Further, the actual local flows in Pruitt Creek need to be evaluated to understand the baseline conditions; the EA's chosen proxy site 5.5 miles away on a different creek is not representative. (Exhibits A, C.) In addition, the analysis must include future projections given the changing climate. There is no evidence that the proposed wastewater discharge solution is feasible given actual streamflows, meaning that the EA's analysis of what will actually occur is dubious at very best. Robert Pennington, a Professional Geologist with the County of Sonoma, explains:

During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species. [¶] The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge #11466800 has a contributing watershed area of 251 square miles. The

³ The Bureau cannot take the position that taking this land into trust removes the protections of critical habitat under the applicable designation (70 Fed. Reg. 52488), because the habitat benefits from the existing designation.

contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. (Exhibit C)

Inadequate storage will lead to environmentally harmful discharges, and there is no enforceable mitigation that requires compliance with all aspects Title 22 in California Code of Regulations, and there is no mitigation that addresses the related issues addressed by California's recently adopted Recycled Water Policy.⁴ The study on which the EA is based admits that "contingency plans should be developed for low flow conditions" (EA, Appendix C, 2-21), but these have not been developed, disclosed, and analyzed. Similarly, crucial components of the recycled water system have not been disclosed, including a feasible plan to expand it. Absent trucking out of wastewater, which has significant impacts that are unanalyzed, it is foreseeable that the project will be forced to discharge recycled water at rates far above the agronomic rate of uptake for the recycled water discharge locations, leading to discharges to groundwater, and in turn, potential plant death that further exacerbates groundwater discharges.

Mitigation is necessary to avoid groundwater and surface water contamination, and a hand wave about Clean Water Act compliance is insufficient to excuse substantive analysis given emerging contaminants and the foreseeability of discharges to both groundwater and surface water. An inadequate initial design will lead to "upsets" and "bypasses," and claims that these harmful discharges are permitted. (40 CFR § 122.41(m) and (n).) In addition to nutrients, contaminants of concern that will exist in discharges to groundwater and stormwater include pharmaceuticals and related hormones, metals, microplastics, and PFAS. These contaminants will also be present in the project's biosolids.⁵ In the stormwater context, given the automobile-centric nature of the project, the Bureau also must evaluate emerging contaminants like 6PPD from tires, as these chemicals have recently been identified as a major driver in

⁴ State Water Resources Control Board, Water Quality Control Policy for Recycled Water, (2019)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf.

⁵ Pozzebon, E.A., Seifert, L. Emerging environmental health risks associated with the land application of biosolids: a scoping review. *Environ Health* 22, 57 (2023).

<https://doi.org/10.1186/s12940-023-01008-4>.

salmonid extinction.⁶ The required good faith analysis must be based on the fact that the project is proximate to salmonid habitat, not on convenient but incorrect factual assumptions to the contrary.

Additionally, the Bureau must evaluate the cumulative impacts of the planned groundwater pumping in light of the other existing and readily foreseeable wells in the immediate area, and also evaluate the cumulative impacts of extraction on the larger groundwater basin. The Bureau has not done so. The project would pump groundwater from the Santa Rosa Plain groundwater subbasin – a basin that requires special planning under California’s Sustainable Groundwater Management Act (SGMA) to avoid adverse impacts. The groundwater in this basin is relied on for rural residential, agricultural, and municipal water supply. The EA fails to recognize – let alone analyze the impacts on – groundwater conditions and uses, and the EA lacks any analysis of long-term groundwater impacts. Mitigation measures are necessary to address groundwater impacts, and these are simply missing.

The current EA raises many more questions than it answers about whether and how the significant impacts of the project can feasibly be addressed. The current discussion only serves to document that they are not addressed. The EA cannot be used to support a FONSI for water quality and groundwater impacts. The groundwater “monitoring” mitigation measure merely documents that crucial information is missing from the EA that should have already been developed. The proposed “compensation” mitigation measure for groundwater depletion is not remotely adequate, and violates 40 CFR § 1508.20. The purported mitigation does not substitute for the environmental impacts that the EA ignores, and the EA similarly ignores the significant impacts of the mitigation itself.

In short, the EA is grossly deficient with respect to groundwater and water quality impacts.

IV. The EA fails to provide adequate analysis and mitigation for reasonably foreseeable impacts to law enforcement services.

The EA includes an analysis of Social Effects (e.g., gambling addiction, crime, drunk driving). Appendix B provides additional information on crime. The EA notes that increasing crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically, and concludes that the development, due

⁶ John Ramos, “Tire additive could push California salmon to extinction, study says,” CBS Bay Area, August 23, 2023, <https://www.cbsnews.com/sanfrancisco/news/tire-additive-could-push-california-salmon-to-extinction-study-says/>; Tian et al., “A ubiquitous tire rubber–derived chemical induces acute mortality in coho salmon,” *Science* 371, 185–189 (2021).

to its large gatherings of people, may result in increased calls to law enforcement. The EA then claims that “the addition of the Proposed Project is not expected to lead to a material increase in crime rates in the area.” The EA concludes the proposal would increase total calls for service by 2.2% and increase total arrests by 1.4% (1,433 calls and 33 arrests).

This discussion is misleading. Contrary to the conclusions of the EA, the causal link to crime from casinos is clear, and there is no evidence that the project would not require additional law enforcement facilities. In 2012, before the opening of the Graton Casino, the area surrounding that location (288 Golf Course Drive) was very similar to the proposed project area, and it generated two calls for service. (In the calendar year 2022, the area surrounding the proposed site generated one call for service.) However, upon the opening of Graton Casino in 2013, the location generated 1,757 calls for service, an increase of 1,755 calls. Last fiscal year (22/23), Graton Casino generated 529 of the 6,680 calls for service in Sheriff’s Office Zone 5 (a very large Patrol Zone that includes the unincorporated areas surrounding Petaluma, Rohnert Park, and Cotati, stretching from the northern city limits of Rohnert Park to the Sonoma/Marin County border). The calls for service included, but were not limited to, assaults, trespassing, multiple types of theft, stolen vehicles, public intoxication, and drug activity. The decline from opening to fiscal year 22/23 in the case of the Graton Casino is not necessarily good news, as deputies are no longer specifically assigned to the casino and some crime previously reported by the assigned deputies themselves is possibly going unreported.

The proposed mitigation measure (EA, 4-7) to make “good faith efforts” to enter into a service agreement is inadequate, and provides no information regarding the contents of the agreement. The EA’s attempt to discount the impacts is discouraging. The requirement that the proposed agreement be based on “quantifiable direct and indirect costs” does not adequately mitigate the impact (1) without a description of how those costs will be determined and (2) without an enforcement mechanism, which together would demonstrate that the mitigation is not illusory.

V. The EA fails to provide adequate analysis and mitigation for foreseeable environmental impacts that will result from the economic impact of this casino.

The EA concludes that the project would not result in significant impacts due to the economic effects of the project. This conclusion is unsupported by the facts and evidence. The socio-economic report (EA, Appendix B) concludes that existing Sonoma County casinos would experience a possible business loss of 11% and 24% but concedes that none of the estimates hold any water if other casinos (such as the approved Cloverdale casino) are constructed. Completely elided from the EA is a discussion of the foreseeable *environmental* impacts of very foreseeable business

failures that may well occur as a result of this approval. These impacts bear on both the Bureau's NEPA and the Bureau's federal trust obligations.

The Global Market Advisors impact study (Appendix B) estimates that 95% of the proposed project's estimated revenues (\$473 million) will be diverted from existing local casinos (\$449.4 million). Appendix B then dilutes this local impact by saying this is only 13.7% of a much larger, non-local gaming market. However, the analysis concedes that the existing Dry Creek Rancheria's River Rock casino will face no less than a 24.4% decline in revenue, and Global Market Advisors further concedes that this is not a conservative assumption given the fact that other casinos could also be constructed. No analysis is provided of the economic effects if this assumption is incorrect.

The over-saturation of the gaming market has physical impacts on the environment and on other tribes. The introduction of this casino to the local casino market would not only negatively impact existing gaming casinos in the area but would likely cause the total closure of more remote facilities like the Dry Creek Rancheria's River Rock casino. The Bureau stands to be the proximate cause of this closure, and the proposed action is contrary to the federal government's trust responsibilities. It is entirely foreseeable that the Bureau's proposed action will result in a closure.

The EA fails to evaluate these readily foreseeable impacts. The economic context for the Dry Creek Rancheria Band's River Rock Casino, and other tribal casinos in the area, is particularly precarious given the opening of the Graton Casino in 2013. In 2014, the Dry Creek Rancheria Band defaulted on millions in bonded indebtedness (\$150 million) to its casino investors, and in contractual obligations (\$50 million) to the County of Sonoma pursuant to an enforceable intergovernmental mitigation agreement. (Exhibit D.) The Graton Casino broke ground on a \$1 billion expansion this year.

The EA is incomplete without a factual analysis of the continued economic viability of the proximate competitors, and an analysis of environmental impacts associated with closures of existing tribal casinos and resultant blight, deterioration, and loss of function of tribal infrastructure and services. The Bureau should conduct a good faith analysis of the economic and environmental consequences of its action, and stress test the assumptions based on all the facts that are relevant to the local context. This includes, but is not limited to, economic uncertainties and the effects of natural disasters on the gaming market.

In a context of foreseeable failures, perhaps most troubling in Global Market Advisors' analysis is the analogy to "gravity" (notably, without any disclosure of the actual math), as it strongly suggests a dynamic where the Bureau's fiduciary solution to failing casinos may be the expansion of larger and larger casinos to attract more visitors from greater distances. The Bureau must evaluate not only the foreseeable impacts of casino failures, but the growth inducing response to those failures that naturally will follow.

The current analysis of the economic and environmental consequences of the proposal is wholly inadequate for purposes of NEPA and raises serious questions about how the Bureau, as trustee, exercises its responsibilities when holding existing lands in trust for the benefit of distinct tribes, when presented with a proposed fee-to-trust application for another tribe.

VI. The EA’s discussion of the project’s significant greenhouse gas emissions and Vehicle Miles Travelled is inaccurate and incoherent, and the significant greenhouse gas impacts of the project are not mitigated.

The estimated greenhouse emissions from this project are extremely high, especially for this type of project. They are, disturbingly, much higher than they need to be. The estimates of operational emissions for Alternatives A, B, and C are respectively 69,862, 55,932, and 7,100 annual metric tons of CO₂ equivalent (MTCO₂E). (EA 3-138.) The Bay Area Air Quality Management District’s (BAAQMD’s) former significance threshold based on California’s science-based emissions targets for 2020 was 1,100 MTCO₂E. California’s targets have been reduced. A straight-line reduction of the former threshold based on current science-based targets for 2030 in California results in a 40% reduction, or 660 MTCO₂E.⁷ Likewise, the EA discloses extraordinarily high social costs related to the greenhouse gas emissions for this project: \$129,479,003 for Alternative A, \$103,352,963 for Alternative B, and \$13,374,218 for Alternative C. (EA 3-139.) These social costs alone indicate that the project’s greenhouse gas impacts are significant. But rather than mitigating the very significant greenhouse gas emissions of the project, or finding that they are significant in a good faith analysis in an EIS, the EA attempts to hide the ball and assert that the project is compliant with BAAQMD’s recently revised guidance. (EA, 3-140.) It is not.

In 2022, BAAQMD revised its threshold to be based on the absence of the build out of any new natural gas infrastructure, and on a 15% reduction in vehicle miles travelled (VMT) below the regional average per capita. (Exhibit E.) The EA purports to rely on this threshold. The threshold is an aggressive ratcheting down of the prior threshold based on the severity of the climate crisis. The goal of the threshold is to evaluate the design elements that are necessary to facilitate achieving *complete carbon neutrality* in California by 2045. (Exhibit E.) The natural gas component is based on the

⁷ Under Health and Safety Code section 38566, SB 32 (2016), California’s emissions reduction mandate for 2030 is 40% below its prior goal for 2020. Thus, many agencies have used 660 MTCO₂E as an extrapolation of BAAQMD’s 2020 threshold for this type of project (1,100 MTCO₂E), as BAAQMD’s threshold was based on California’s 2020 targets. The alternatives in the EA are 105 times, 65 times, and 10 times this significance threshold.

judgment that global climate goals cannot be met with the expansion of natural gas infrastructure, given the need for major emissions reductions from existing infrastructure. The VMT component is based on guidance from the State's Office of Planning and Research, which the EA acknowledges.

The EA states:

The Bay Area Air Quality Management District (BAAQMD) provided guidance in 2022 to determine the significance of climate impacts from land use projects (BAAQMD, 2022c). If a project will not include natural gas appliances, will not result in wasteful, inefficient or unnecessary energy use, will reduce project-generated vehicle miles traveled (VMT) below the regional average, and will provide EV facilities consistent with current California building standards, then a project's climate change impact is considered less than significant. The BMPs described in Table 2.1-3 provide for the use of electric boilers and appliances, avoidance of inefficient energy use, and installation of EV facilities consistent with current California building standards. As presented in Section 4 of Appendix I, Alternatives A, B and C would result in over a 15 percent reduction in VMT compared to the Sonoma County region. Therefore, with the implementation of BMPs, implementation of the project alternatives would not result in a significant adverse cumulative impact associated with climate change. (EA 3-140.)

In reality, neither of BAAQMD's referenced criteria are met. The project is not foregoing all natural gas as BAAQMD's threshold requires for a finding of "less than significant." Instead, Table 2.1-3 states: "The Tribe will use electric boilers and appliances in lieu of natural gas or propane units *to the greatest extent practicable*," whatever that means. The only thing this language clearly suggests is that the Tribe has considered the BAAQMD guidance regarding natural gas and rejected it.

Worse, the EA's statement that the project will result in "a 15 percent reduction in VMT compared to the Sonoma County region" has no basis whatsoever. Very clearly, this is not a VMT reduction project. The project's sponsors hope to draw customers from a very wide region, and have proposed no less than 5,110 parking spaces for the project. The study relied upon only looks at vehicle miles travelled associated with employees, not project visitors, which is to say that most VMT associated with the project is being ignored. This is the case even as the economic analysis in Appendix E, pages 65 and 66, describes a very large geographic market for visitors to the project, with the bulk of visitors not coming from Sonoma County. The purported "logic" of the EA is that: "The project's Home-Based VMT per employee value of 10.20 is lower than

the 85% VMT threshold for the Sonoma County region (10.53 VMT per employee). Thus, the proposed project at full buildout is expected to have a less-than-significant impact on VMT.” These numbers do not elucidate the project’s impacts. *Even after* improperly ignoring the visitor VMT completely, the VMT numbers cited reveal significant impacts. The EA deliberately evaluates the employee VMT average against the Sonoma County average rather than the regional average (which is significantly lower, because the region includes the metropolitan areas of the Bay Area),⁸ and then, by a thin margin, finds the outcome to be less than significant. To the extent that any component of the math is credible at all, it has been subjected to outcome-oriented manipulation.

Nor do the practices in Table 2.1-3 address the greenhouse gas impacts as the EA claims. The Bureau has deliberately chosen mitigation language in Table 2.1-3 that is utterly vague and unenforceable: “Shuttle service to and from population centers will be provided *as feasible*, which would reduce CAPs and GHGs.” The fleet mitigation is similarly vague and unenforceable, and has no standard through which efficacy can be evaluated. At the same time, as discussed more fully below, *all* of the recommendations of the traffic consultant concerning transit and pedestrian infrastructure have been summarily rejected without any explanation in the EA.

On top of these problems, the modeling assumptions in Appendix F do not hold up for very potent greenhouse gases like methane. Appendix F assumes “mitigation” that is not applied. While an unenforceable recycling “practice” has been proposed, no mitigation is imposed on the project requiring the source separation of organic waste such that it can be diverted from landfills. The lack of a feasible plan for organics diversion (including for biosolids), and the lack of any discussion of the project’s integration with related landfill diversion processes under SB 1383 (2016), means the landfill diversion estimates are not credible. This in turn means that the assumptions about project emissions for potent gases like methane are not credible. Landfill diversion cannot be assumed if the project actively thwarts diversion.

The only way to reach the conclusion that the project’s greenhouse gas impacts will be less than significant is by systematically ignoring the data, which the EA does. Perhaps the Bureau could use a different science-based analytical framework than BAAQMD and California’s Office of Planning and Research have used, but it is arbitrary and capricious to manipulate data and say that cited significance criteria are met when they are not. A good faith analysis of the greenhouse gas impacts must be conducted, and if the analysis is based on an EA, the strategy of avoiding accountability by placing

⁸ In the context of similar attempts to dilute required VMT reductions, the California Office of Planning and Research (on whose guidance the EA purports to rely) has made clear that “regional average” means the average in the applicable Metropolitan Planning Organization, not the lower average within a county. (Exhibit F.)

mitigation with extensive escape clauses in the project description must be jettisoned. Given the project's high level of emissions, an EIS should be prepared. Absent an EIS, adequate and enforceable mitigation must be adopted for the project's emissions related to the project's energy sources, the project's energy consumption, transportation, and waste.

VII. The EA's traffic analysis ignores the recommendations of the underlying studies, and is based on inadequate and ineffective mitigation measures.

The EA reaches the logical conclusion that the project will have significant impacts on traffic without mitigation. However, the EA does not provide for enforceable mitigation that ensures that these impacts will be avoided.

The EA divides transportation into opening day mitigation and "cumulative" mitigation for 2040. For opening day, the mitigation measure states:

While the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe, the Tribe shall make *good faith efforts to assist* with implementation of the opening year improvements prior to opening day. (EA 4-8, emphasis added)

The Tribe does have the ability to enter into enforceable contracts to construct the improvements (with local government assent), but the language in the EA scrupulously avoids anything concrete or enforceable. As written, the mitigation measure would allow for mere cheerleading, even as the traffic study (EA, Appendix I) assumes that the Tribe or Bureau will be responsible for the entire cost. What is needed to avoid significant impacts is the improvements, not "good faith efforts" that the Bureau declines to specify. Further, the analysis does not confirm there are no constraints for the improvements (environmental, real property, etc.), and does not analyze the improvements themselves. Ultimately, the measure does not commit the Tribe and/or Bureau to the improvements. The structural problem with the analysis is therefore that the EA provides no actual evidence that the improvements will occur, which on its own requires an EIS given the fact that impacts to be mitigated are significant.

The same issues arise for the "cumulative" improvements. The EA says:

The Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures. Funding shall be for design standards consistent with those required for similar facilities in the region. (EA, 4-8.)

First, the amount and timing of the payments is unspecified, and no evidence is provided that the cumulative improvements will actually be constructed on the timeline required to avoid significant cumulative impacts. There is no discussion of feasibility and constraints, and no discussion of any environmental issues that may exist with the improvements. Incredibly, the widening of Shiloh Road from 2 to 4 lanes is simply “assumed” without any substantive analysis (Appendix I, 168), and it is not required as mitigation – even as it is absolutely critical for the EA’s conclusions about impacts.

Second, critical details are omitted from the mitigation measure, such as the nature of the fair share calculation (Table 33 in the traffic study is not mandated), the timing of project cost determinations, and the timing of payments. This information is crucial to evaluate the efficacy of the mitigation. Cost determinations must be based on actual facilities that meet County design standards, not hypothetically “similar” facilities, to ensure the improvements can actually be constructed. Effective mitigation measures will require enforceable agreements with the County.

Worse, without explanation, the EA inexplicably declines to impose mitigation recommended in the traffic study (EA, Appendix I) that could help address the project’s transportation impacts. These recommendations include:

- “The proposed project should provide adequate pedestrian and bicycle facilities on its site (particularly at its planned driveways) to facilitate pedestrian and bicycle traffic to and from the project site.” (EA, Appendix I, 6-7.)
- “Provide concrete sidewalks, and marked crosswalks at the proposed project driveways to connect with existing and planned pedestrian facilities along Shiloh Road and Old Redwood Highway.” (EA, Appendix I, 6-7; section 15.4.)
- “Provide continuous, accessible pedestrian pathways between the nearby transit stops and project entrances.” (EA, Appendix I, section 15.4.)
- “Provide pedestrian and bicycle facilities between the proposed project’s driveways and the project’s main facilities to improve on-site pedestrian and bicycle circulation” (EA, Appendix I, section 15.4.)
- “The site is not proposing sidewalks along its frontages. However, pedestrian facilities should be provided at the two new traffic signals to provide a connection with the sidewalks on the north side of Shiloh and the urban features on the west side of Old Redwood Highway near the future signals at the church. TJKM also recommends constructing continuous, accessible pedestrian paths between the nearest bus stops, the project access points closest to Shiloh Road & Old Redwood Highway, and the nearest project entrances.” (EA, Appendix I, section 15.2.)
- “Sonoma County Transit (SCT) serves the project area. Route 60 mostly travels along Old Redwood Highway between Cloverdale and Santa Rosa on headways varying between one to two hours. There is an existing pair of stops adjacent to the corner of Shiloh Road and Old Redwood Highway. With the addition of

accessible pedestrian pathways between the stops and the project entrances, this route has the potential to serve employees and patrons in the Old Redwood Highway corridor.” (EA, Appendix I, 15.2.)

The failure to adopt these recommendations is unexplained. All of these mitigation measures would at least contribute to mitigating the very high VMT for the project. The EA’s departure from these recommendations is neither explained nor justifiable.

Similarly, without the “hard look” required by NEPA, the EA does not impose the queueing mitigations that the traffic study recommends. These omissions leave significant traffic impacts, including on safety, unmitigated. The mitigation section of the EA contains no mention of the mitigations recommended in the traffic study (Appendix I) in section 4.5 (p. 42, 43), section 8.0 (p. 89), section 12.2 (p. 129-132), section 5.5 (p. 57-58), section 9.2 (p. 99, 100), section 6.5 (p. 72), section 10.2 (p. 109, 110), or section 14.2 (p. 159-162).

Finally, the EA also modifies the mitigations in the traffic study without justification or explanation. There are, for example, discrepancies between turn lane mitigations in the traffic study and in the EA, as well as lane “storage length” recommendations, where mitigation has been reduced in the EA relative to the traffic study without explanation. Whatever the reason for these changes, there is no evidence that these changes are appropriate.

In sum, the proposed traffic mitigation is not adequate, and the discussion of traffic impacts does not constitute a “reasonably complete” discussion of the direct and indirect traffic impacts of the project.

VIII. The EA’s discussion of wildfire risks and mitigation is inadequate.

In the last decade, the project area has been the site of some of the worst wildfires in United States history. The project is very near to the burn areas of both the 2017 Tubbs Fire and the 2019 Kincade Fire. The EA acknowledges that the project is in a designated high fire risk area. (EA, figure 3.12-2.) The EA concedes that the elimination of fire barriers is a significant impact. Missing from the EA, however, is any recognition of the fact that the EA eliminates agricultural land that acts as a fire break (for the City of Windsor as well as for surrounding areas) and replaces it with flammable structures. This creates a potential ignition linkage from populated areas to a *very high* fire risk area. It is not as though the County has no experience with how this works. The EA contains a conclusory statement that no fire barriers will be eliminated. This is an odd mix of silly and irresponsible.

The EA cites State building standards relative to wildfire, and Former Chief Vern Losh recommends compliance with the wildfire (or “Wildland Urban Interface”) provisions of the California Building Code. (EA, Appendix N1.) The EA does not

discuss the fact that these codes are inapplicable, and the EA does not require that they be imposed. The EA fails to discuss the fact that even a single ember in a poorly placed vent can defeat the protections provided by (already inapplicable) fire codes. Hurricane-force winds can transport these embers long distances at high velocities. It is understandable that, beyond the California code requirements, Former Fire Chief Losh recommends “special care” with locations where embers could intrude. No mitigation that implements and requires this care is imposed. No third-party plan checks are required. No substantive post-construction reviews are required. Indeed, no mitigation measures have been imposed to ensure that Chief Losh’s generic assumptions about how projects should be built are true. Fire sprinklers are mentioned, but there is no discussion of the adequacy of water supplies and infrastructure to address firefighting. There is no discussion of the potential loss of water pressure or the frequent loss of power during fire weather, which can eliminate water supply. There is no discussion of the feasibility and impacts associated with the “back up” fire station that is proposed.

The outcome-oriented carelessness of the EA applied to very significant risks is unfortunate. Yet, the EA’s failure to substantively examine evacuation risks is even more troubling. Evacuation risks are environmental risks with which Sonoma County has far too much familiarity. Evacuations have not always gone well, and timing has been crucial for the evacuations that have mitigated broader disasters. Very recent wildfires have required massive evacuations of the entire area in which the project is situated, including the complete evacuation of the adjacent Town of Windsor. The timely, total evacuation of the Town in 2019 was a key factor in allowing firefighters to save the Town and stop the further spread of the fire, as it allowed firefighters to battle flames without committing resources to rescues. (Exhibit G.) Evacuation requires sufficient infrastructure to allow occupants to leave and firefighters to enter without mutual interference. Experience has shown that the consequences of insufficient resources for evacuation can be dire.

Evacuation issues cannot be lightly treated as insignificant in Sonoma County. But that is exactly what the EA does. The CAS Safety Consulting LLC report makes numerous recommendations that have not been implemented in evacuation mitigation measures. Most problematically, these recommendations include traffic modeling that has not been completed. As the California Attorney General observes, “evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project’s design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process.”⁹ The “wait and see” approach

⁹ California Attorney General, “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act,” October, 10, 2022, <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>.

which might suffice in some cases is completely inappropriate in this situation. The only thing close to modelling that has been disclosed is an implausible conclusion that a 6-8 hour estimate to evacuate the casino and the Town is adequate. The basis of the estimate is not provided, but the conclusion that this is possible is based on various assumptions. The assumptions include the questionable assumption that Shiloh Road will be expanded at opening, even as no mitigation is proposed to require this expansion prior to opening. The EA does not provide a plausible basis for concluding that the estimated time required for evacuation is sufficient, it does not state the range of cases where that conclusion would be true, and it does not stress test all assumptions – in terms of infrastructure, in terms of disaster response operations, and in terms of the increasing wildfire risks presented by climate change. The lack of adequate traffic mitigation greatly exacerbates the deficient analysis. The EA does not provide evidence that the impacts are less than significant.

Finally, and unfortunately, given the location and nature of the project, mitigation should be adopted to address the cleanup of the project if it does burn. It is well understood that commercial buildings that burn in wildfires present toxic hazards to the community,¹⁰ and the surrounding community will not be able to ensure these hazards are abated without the imposition of mitigation that addresses these risks. Federal assistance is generally not available for commercial projects. Where cleanups are not financially convenient, they do not occur without mandatory requirements. This will result in a significant impact without mitigation.

¹⁰ California EPA, Guidance for Conducting Emergency Debris, Waste and Hazardous Material Removal Actions Pursuant to a State or Local Emergency Proclamation, October 7, 2011, <https://calepa.ca.gov/wp-content/uploads/sites/6/2019/06/Disaster-Documents-2011yr-GuideRemoval.pdf>

IX. The EA fails to evaluate a reasonable range of alternatives.

Part of the reason why there is insufficient infrastructure for the project is the fact that the site is within an area where this type of project would never be permitted by existing local government planning. The location is zoned for agriculture,¹¹ but that is far from the only issue. Sonoma County local governments have each adopted Urban Growth Boundaries to contain auto-dependent sprawl and plan for city-centered growth. The County and the cities have voter approved Urban Growth Boundaries and Community Separators to preserve open space and protect Sonoma County's environment. The Community Separator areas are voter-approved districts that were created to preserve open space, retain rural visual character, limit new development in scale and intensity, and *specifically avoid commercial development*. The project is outside the Town of Windsor's Urban Growth Boundary and inside the County's Community Separator. The existing infrastructure does not support this type of project because inter-governmental planning has sought to avoid this type of development in this area.¹² The Bureau's Scoping Memo partially acknowledges this fact in discussing the utility limitations that flow from the Town of Windsor's Urban Growth Boundary, but does not acknowledge or discuss the larger planning context.

The EA lacks a reasonable range of alternatives, and reading the Bureau's EA is torturous, like watching a fly in a bottle. Given the site constraints in terms of resources and infrastructure, it is illogical and absurd not to include off-site alternatives in the analysis. The EA asserts that the availability of other sites is economically "speculative" but this conclusory assertion flies in the face of the other casinos that have already been developed in the Tribe's territory (as the EA defines it). It also ignores the known economic resources of the Tribe's backers in this project. (Exhibit H.) It is foundational NEPA law that "[r]easonable alternatives include those that are *practical* or *feasible* from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." 46 Fed. Reg. 18026, 18027 (1981) (emphasis in original); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (federal agency has the "duty under NEPA to exercise a degree of

¹¹ Approximately 47 acres of the parcel consist of Farmland of Statewide Importance; 8 acres are designated Farmland of Local Importance; and 13 acres are Prime Farmland.

¹² The relevant policies in the County's General Plan include, but are not limited to: "Objective OSRC-1.1: Preserve important open space areas in the Community Separators shown on Figures OSRC-5a through OSRC-5i of the Open Space and Resource Conservation Element"; "Objective OSRC-1.2: Retain a rural character and promote low intensities of development in Community Separators. Avoid their inclusion in City Urban Growth Boundaries or Spheres of Influence. Avoid their inclusion within Urbans Service Areas for unincorporated communities"; "Policy OSRC-1b: Avoid commercial or industrial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories."

skepticism in dealing with self-serving statements from a prime beneficiary of the project” regarding alternatives). Further, constraining the analysis of reasonable alternatives (and the “purpose and need”) to those that could be permitted under 25 CFR § 151.12 is contrary to longstanding Council of Environmental Quality guidance. 46 Fed. Reg. at 18027 (alternatives outside of lead agency jurisdiction must be analyzed; “A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered.”)

Picking a site for commercial development that is only available because local planning prevents commercial development of that site comes with multiple environmental and infrastructural challenges and costs. At bottom, it is hard to make this project work on this site without causing significant environmental impacts. The evaluation of off-site alternatives would allow the consideration of better sites, where the impacts could be better mitigated. If the site had better access to existing transportation (including multi-modal transportation) and utility infrastructure, the direct, indirect, and cumulative impacts would be easier to address. There is no need to site this project in a SGMA basin with water and wastewater constraints, or to site it in critical habitat for salmonids. The purpose and need and screening criteria have been engineered to screen out reasonable alternatives, and this is a completely unnecessary NEPA violation.

X. Conclusion.

The EA falls woefully short of providing “high quality” information and “accurate scientific analysis.” *350 Mont. v. Haaland*, 29 F.4th 1158, 1176 (9th Cir. 2022). “An EIS is required of an agency in order that it explore, more thoroughly than an EA, the environmental consequences of a proposed action whenever substantial questions are raised as to whether a project *may* cause significant environmental degradation. That is exactly the circumstances of this case.” *Blue Mts. Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998) (emphasis in original, citation and internal punctuation omitted). The County looks forward to reviewing an EIS for this project, and will be happy to provide additional information.

Sincerely yours,

Verne Ball
Deputy County Counsel

EXHIBIT A



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November 9, 2023

Project No.: 782-60-23-02
SENT VIA: EMAIL

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SUBJECT: Koi Nation Shiloh Resort and Casino Project Environmental Assessment, Comments on Water Resources Assessment

Dear Mr. Ball:

The County of Sonoma has retained West Yost to review the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs, as Lead Agency. West Yost staff reviewed the EA evaluation of proposed water supply, stormwater, and wastewater facilities. The following documents were reviewed:

- Environmental Assessment for the Koi Nation of Northern California Shiloh Resort and Casino Project (September 2023)
- Appendix C - Water and Wastewater Feasibility Study
- Appendix D - Grading and Hydrology Study

West Yost staff prepared these comments and recommendations based on information provided in materials provided by the County and relevant documents referenced in the EA.

PROPOSED PROJECT SUMMARY

The EA analyzes the Koi Nation of Northern California (Tribe) construction of a casino, hotel, spa, conference and event center, restaurants, parking, and support infrastructure (Alternative A and referred to here as the Proposed Project), which includes construction of a drinking water supply system, as well as wastewater treatment and disposal. The EA states that the average potable water demand for the site will be 170,000 gallons per day (gpd) with a peak demand of 294,000 gpd to be provided by on-site production wells (up to 700 feet deep). The estimated average wastewater generation is 232,000 gpd with an average weekend peak estimated at 335,000 gpd. Wastewater treatment is proposed using a package immersed membrane bioreactor (MBR) producing 108,000 gpd of tertiary treated recycled water for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. Tertiary treated wastewater would be seasonally discharged on-site to Pruitt Creek.

COMMENT OVERVIEW

The project will have significant impacts related to surface and groundwater resources as described in Section 3.3.3.2 of the EA. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project. Alternative A represents the most intense development considered for the site and is therefore associated with the greatest potential impacts to water resources.

While the EA provides some useful information about the Proposed Project and alternatives, the analysis presented lacks critical information that is needed to evaluate the severity of the Proposed Project’s impacts. In general, the EA relies on regional rather than site specific data, its conclusions are often not supported by evidence, and the potential cumulative impacts of the Proposed Project are not considered. Additionally, some mitigation measures identified in the EA lack details needed to evaluate their feasibility and effectiveness, for example:

- **The EA lacks analysis and basic data needed to reach conclusions about likely impacts of the Proposed Project.** The potential impacts have not been fully analyzed and the EA lacks essential information needed to evaluate the project and alternatives.
- **Assumptions used in the analysis may be inappropriate and yield inaccurate results.** The water demand, wastewater production, and recycled water reuse values are based on assumptions that are not validated based on local conditions, without discussion of project-specific or site-specific conditions. For this reason, impacts appear to be underestimated.
- **The EA fails to consider the project’s impacts in the context of cumulative, reasonably foreseeable future development.** Nor does the analysis consider climate change effects projected to occur over the life of the project.
- **Mitigation Measures outlined in the EA are inadequate.** Because the mitigation measures lack specifics relating to monitoring, criteria for success, and modes of enforcement, there is no certainty that mitigation measures will be effective in reducing potential environmental impacts.

Each of these topics are detailed further below and presented in the following categories as ordered in impact analysis Section 3.3.3.2 of the EA:

1. *Surface Water* – New Structures and Impervious Surfaces in Flood-Prone Areas
2. *Groundwater*– Groundwater Pumping Impacts on Neighboring Wells
3. *Groundwater*– Proposed Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act (SGMA)
4. *Wastewater Treatment and Disposal* – Effluent Discharge to Pruitt Creek
5. *Wastewater Treatment and Disposal* – Impacts to Laguna de Santa Rosa
6. *Wastewater Treatment and Disposal* – Wastewater Treatment and Recycled Water Use

SPECIFIC COMMENTS

The Water Resources Regulatory Setting identifies Federal and State Water Resource Regulations in Table 3.3-1. State regulations listed include Porter-Cologne Water Quality Act, Sustainable Groundwater Management Act, and Title 2 California Code of Regulations. However, it is unclear how these regulations and related policies would apply to the proposed project. California standards for wastewater treatment and disposal should be explicitly applied in technical assumptions, project description, impact analysis, and mitigation measure enforceability.

The EA lacks a discussion of climate change impacts and does not consider increased rainfall and higher temperatures in water and wastewater calculations. As noted in the North Bay Climate Adaptation Initiative's *Climate Ready Sonoma County*, Sonoma County is expected to experience more very hot days than in the past, and overall higher temperatures over a longer period of dry weather, even under forecasts that predict overall wetter conditions. Spring will come earlier and fall will come later, and these extended periods of hotter, drier weather will impact regional water availability. Heat will increase soil moisture deficit and reduce groundwater recharge, meaning that less water will be available even in futures with more precipitation. Heat will also increase the demand for water, exacerbating pressures on limited water resources in periods of drought (NBCAI, 2014).

1. Surface Water – New Structures and Impervious Surfaces in Flood-Prone Areas

The southwest portion of the site is within the Federal Emergency Management Agency (FEMA) regulated flood area and additional areas of the site are shown in The Town of Windsor's Storm Drainage Master Plan (2020) to be flood-prone.

Impervious Surfaces

The proposed action would increase impervious surfaces on the Project Site by up to 35.51 acres through the construction of buildings, circulation, parking, and infrastructure. Increased impervious surfaces would result in increased peak flows and increased total discharge from the Project Site during precipitation events. The Proposed Project will need to consider flood mitigations, to address potential downstream flooding and sediment transport impacts.

The EA states that the Proposed Project would limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. However, the plan to achieve this is not fully described or analyzed. Additional calculations and site planning are needed to demonstrate the feasibility of mitigating impacts from the significant addition of impervious surface area.

Floodplain Storage Capacity

Development on the site would displace agricultural land and floodplain area that currently provides floodwater storage and may exacerbate on-site and downstream flooding. Climate models forecast that the frequency and intensity of flooding will continue to increase beyond historical levels.

The environmental analysis should be expanded to consider impacts of climate change to the mapped limits of the 100-year flood and to the intensity of future flooding at the site. Additionally, the EA does not demonstrate how impacts to all floodplain functions would be mitigated to a less than significant level.

2. Groundwater – Groundwater Pumping Impacts on Neighboring Wells

The Proposed Project would pump groundwater from the Santa Rosa Plain groundwater subbasin. The Project Description estimates daily pumping of 170,000 gpd with a peak pumping of 294,000 gpd. Potable water would be sourced from on-site production wells, drilled up to 700 feet deep. Several existing wells are located in proximity to the site, including shallow residential wells at the Mobile Home Estate and two Windsor Water District municipal wells at Esposti Park, north of and in proximity to the Proposed Project site. The municipal wells are located within about 250 feet of the northwest project site boundary and about 2,200 feet from the "treatment area" as identified in Appendix C of the EA, the area tentatively designated for water and wastewater infrastructure.

The EA does not present a conceptual groundwater model of the site and limits the discussion of potential impact to the deep aquifer (300 to 600 feet deep). The geology of the Santa Rosa Plain is complex and groundwater pumping could adversely affect surface water flow and groundwater dependent ecosystems. An analysis of existing groundwater conditions and impacts of project pumping on nearby Pruitt Creek and potential cumulative impacts downstream in the Laguna de Santa Rosa is needed.

Water quality in the wells currently limits water use to irrigation. One of the wells at Esposti Park is used to irrigate the park. The other well, currently inactive, is identified in the Town of Windsor's Water Master Plan for future development of municipal drinking water and would include a water treatment process to remove contaminants.

Impacts to Neighboring Wells

The average and peak pumping of the Proposed Project could result in groundwater drawdown in neighboring wells and could significantly decrease the Esposti well output and potentially affect water quality. The Town of Windsor Water Master Plan (Woodard and Curran, 2019) estimates the sustainable yield of the municipal to be 400 gpm (0.6 million gallons per day) or 350 acre feet per year (AFY). Proposed Project pumping could significantly decrease the previously analyzed estimated yield. Groundwater pumping at the site could also result in adverse impact to domestic wells in the vicinity. This would include reducing production of neighboring wells and/or lowering groundwater levels below well pumps altogether, rendering neighboring wells unusable.

The EA cites a Town of Windsor 2017 aquifer test at the Esposti well as evidence that pumping from the aquifer deeper than 300 feet would not result in a decline in water level. However, although no drawdown occurred during that test, the test lasted only 28 hours. The aquifer test at the Esposti municipal well was over a short duration and is not an appropriate basis for assessing impacts of continuous groundwater pumping proposed as part of the Proposed Project. The EA further concludes, based on very limited data, that the Proposed Project would not affect groundwater levels or water availability in wells drilled to a depth of less than 370 feet. The EA lacks critical hydrogeologic data to reach this conclusion.

Additional groundwater monitoring is needed to confirm hydraulic separation between the upper and lower aquifers underlying the site and surrounding area. This monitoring should be conducted as part of the environmental evaluation and prior to project approval. Additional studies, including a well interference study and hydrogeologic testing, are needed to provide adequate information to allow for a reasonable evaluation of alternative development scenarios and impacts to neighboring wells.

Project wells should be located away from adjacent wells and outside the zone of influence around the existing Esposti wells. Pumping rates should be limited to amounts that avoid impacts to neighboring wells and ensure sustainable yield for the project wells and wells in the vicinity. Additional investigation and groundwater pump tests should be completed to determine the impact to nearby wells. Assessment of the impact to the municipal well, both the current use of the well for irrigation and future use as identified in the Town of Windsor Water Master Plan (2019), is needed to address cumulative impact.

Groundwater Mitigation Measure

Proposed Project groundwater pumping could adversely affect groundwater levels and well production. Mitigation measures listed in the EA include monitoring and compensation; however, the EA does not include metrics for determining when adverse impact has occurred, compensation actions that would be required should adverse impacts result, or an enforcement mechanism. The EA should clarify that both shallow and deep wells will be monitored and eligible for mitigation compensation.

The proposed mitigation measure to reimburse well owners should their well become unusable within five years of project pumping is not mitigation, let alone appropriate mitigation. The effects of environmental harm are more than monetary, and there are reasonably foreseeable indirect effects of unusable wells, such as impacts related to water hauling from traffic and associated GHG emissions, health and safety issues from lack of potable water, and impacts of extending municipal water service, that have not even been discussed.

Adequate data from both the shallow and deep aquifer should be collected prior to initiating groundwater pumping to fully evaluate the impact. Actions should be identified to avoid impacts to neighboring wells. The proposed mitigation measures further indicate that the Tribe, at its discretion and cost, could provide an alternative water supply. However, the EA does not identify the source of these alternative water supplies and it does not provide an evaluation of potential impacts associated with the buildout of alternative supplies. The buildout of alternative water supply infrastructure would likely have significant impacts that need to be analyzed.

3. Groundwater – Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act

With the Sustainable Groundwater Management Act (SGMA), California has identified groundwater basins that require special planning to avoid adverse impacts. The project is in one of these basins. The Santa Rosa Plain Groundwater Subbasin (basin number 1-55.01) is categorized as a medium priority basin by the California Department of Water Resources (DWR) and is, therefore, subject to special regulation and planning efforts. The Santa Rosa Plain groundwater basin is regulated under SGMA because the basin is densely populated, and groundwater use is relied on for rural residential, agricultural, commercial, and municipal water supply. Groundwater management is needed to avoid adverse impacts to the groundwater basin, but there is no discussion in the EA of the unique relationship of this project to groundwater management.

DWR approved a Groundwater Sustainability Plan (GSP) for the basin in January 2023 and the Groundwater Sustainability Agency (GSA) has prepared and will continue to prepare annual reports that provide updates about current groundwater conditions. The GSP states that the groundwater stored in the shallow and deep aquifer systems is declining on average by about 2,100 AFY. The 2022 Annual Report indicated that groundwater levels and groundwater storage capacity are stable but, importantly, future declines are projected. The Annual Report further indicates that more data are needed to assess the health of groundwater to interconnected surface waters and the impact of pumping on groundwater-dependent ecosystems.

Consistency with Santa Rosa Plain Groundwater Sustainability Plan (GSP)

The EA is significantly flawed by not considering cumulative impacts of groundwater extraction. While the analysis mentions the Santa Rosa Plain GSA, it provides no analysis of the Proposed Project's compatibility with the adopted GSP. The EA should include analysis of long-term pumping of 300,000 gpd on potential undesirable results as defined in the GSP, including for water quality. Groundwater pumped from the deeper aquifer in the northern portion of the Santa Rosa Plain subbasin underlying the Project Site is documented to contain elevated concentrations of arsenic and manganese. These constituents have been a constraint for the Town of Windsor's Esposti Park wells and the effects of additional pumping on groundwater water quality is crucial information that is missing from the EA. Additional analysis should consider planned future pumping from the Esposti well, as discussed above.

Long-Term Municipal Water Supply

Proposed Project groundwater pumping may adversely impact Windsor Water District's ability to meet water demands with supplemental groundwater supply and may reduce water supply resiliency during a drought. The EA lacks an analysis of long-term groundwater supply and fails to acknowledge the current and future use of groundwater to meet water demands. The EA should include a water supply assessment that evaluates long-term water supply sustainability using a 45-year time horizon and consider future drought conditions and climate scenarios.

Current developments regarding local water supplies cannot be ignored in the analysis. The decommissioning of the Potter Valley hydroelectric facility and likely reductions in Eel River flows into the Russian River system, could result in reduction of surface water deliveries to the Town of Windsor, resulting in the need for future increased groundwater extraction from municipal wells.

Groundwater Quality

The EA indicates that wellhead treatment would be needed but does not describe the nature of waste products that would result from water treatment to attain potable water, nor is a disposal location identified. Improper disposal will result in, for example, soil and water contamination. The EA should include an analysis of the potentially significant impacts from removing contaminants from wells where groundwater does not meet drinking water standards.

4. Wastewater Treatment and Disposal – Effluent discharge to Pruitt Creek

The EA states that the project will produce and estimated average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. For the purposes of design, an average daily flow of 300,000 gpd and average weekend flow of 400,000 gpd was assumed, which is equivalent to about 110 million gallons/year. During the dry season, tertiary treated recycled water would be used onsite for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. An additional 11-acres of off-site vineyard could also be irrigated. Appendix C presents several options for use and storage of recycled water in ponds and tanks. During the wet season, tertiary treated wastewater would be seasonally discharged onsite to Pruitt Creek.

The information presented in the EA does not fully analyze potential environmental impacts from proposed discharge of tertiary treated wastewater to Pruitt Creek. Additional analysis is needed to evaluate water-related impacts and support the EAs conclusion that there will not be significant impacts.

Seasonal Discharge Volume Estimate

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants (WWTPs) to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. Pruitt Creek is an ephemeral drainage with highly variable flow volume. Appendix C relies on streamflow statistics from a U.S. Geological Survey (USGS) gauging station located 5.5 miles downstream of the site, which significantly overestimates the capacity for discharge to Pruitt Creek. Appropriate discharge volumes must be calculated based on local stream flow data for the analysis to be reasonable.

Streamflow statistics at the downstream gauging station indicate that discharges immediately before and after the summertime months (May and October) may be limiting for the Proposed Project, and that streamflow rates are highly variable from year to year. Appendix C indicates that for any discharge scenario developed for the Proposed Project, backup contingency plans should be developed for low-flow conditions. However, the EA does not present this contingency plan, nor does it analyze potential on-site or secondary impacts of such discharge contingency.

The EA does not demonstrate the feasibility of seasonal discharge of anticipated wastewater flows to Pruitt Creek under all climate conditions, even though extremely varied climate conditions are foreseeable. The environmental assessment for the Proposed Project should include an analysis of seasonal discharge options to ensure capacity under all foreseeable climate scenarios.

Treatment Process Vulnerability

The Proposed Project includes construction of a self-contained package (immersed MBR) treatment plant to produce tertiary treated recycled water. The volume of influent will vary with casino usage, weather conditions, and infrastructure functioning. Any WWTP may be subject to “upset conditions”, when a sudden and unexpected event prevents the facility from operating properly. There is no indication that the Tribe has considered coordination or mutual aid agreement with other sanitary service providers to provide backup or support in the event of a WWTP upset. The Proposed Project should establish enforceable agreements to engage in mutual aid with one or more sanitary service areas.

Construction of Outfall in Pruitt Creek

Installation of a wastewater outfall structure in Pruitt Creek will adversely affect riparian habitat without appropriate mitigation. Operation of the outfall could alter the flow and hydrology of the Pruitt Creek, resulting in erosion and exacerbated flooding. Information is needed to evaluate the foreseeable impacts of the outfall structure on Pruitt Creek in all flow conditions.

5. Wastewater Treatment and Disposal – Impacts to Laguna de Santa Rosa

Discharge of tertiary treated effluent to Pruitt Creek, a tributary to Mark West Creek which flows into the Laguna de Santa Rosa, could have significant impacts on water quality in the Laguna de Santa Rosa. The Regional Board and the State Water Resources Control Board (State Board) have designated the Russian River and its tributaries, including the Laguna de Santa Rosa, as impaired waterbodies. The Regional Board has adopted policies and Total Maximum Daily Loads (TMDL) (some adopted and some under development) for a range of parameters, including sediment, temperature, pathogens, nutrients (nitrogen and phosphorus), dissolved oxygen, and sedimentation/siltation. The Water Quality Trading Framework for the Laguna de Santa Rosa Watershed adopted by the Regional Board in 2021 sets a “no net loading” effluent limitation for total phosphorus in National Pollutant Discharge Elimination System (NPDES) permits for WWTP discharge to the Laguna de Santa Rosa and provides a mechanism to offset total phosphorus inputs to the system. These regulatory tools recognize WWTPs as potential pollutant sources and provide the mechanisms to address water quality impairment.

The Proposed Project discharge of recycled water would add sediment, nutrients, and phosphorous to the Laguna de Santa Rosa watershed, undermining regional efforts to address existing water quality impairment. No analysis of the impact of project discharge on the Laguna de Santa Rosa watershed is provided. The Proposed Project could contribute to cumulative impacts in the Laguna de Santa Rosa that have not been analyzed. More evidence is needed to support the assertion the proposed discharge would comply with all current and reasonably foreseeable future policies, water quality trading framework, TMDLs, and implementation plans that support the Basin Plan.

The EA concludes that “surface water and groundwater resources from wastewater treatment and disposal activities associated with Alternative A would be less than significant,” but fails to demonstrate ability to meet nutrient limitations for discharge to Mark West Creek and its tributaries. The environmental assessment for the Proposed Project must include an analysis demonstrating how the Proposed Project would meet the no net phosphorous discharge required under the Nutrient Trading Framework and a full analysis of the proposed discharge in the context of adopted and future TMDLs. Standards for effluent phosphorous loads and for a phosphorus offset program should be identified and mitigation measures to reduce impacts of phosphorous discharge and secondary impacts of offset projects should be evaluated.

6. Wastewater Treatment and Disposal – Wastewater Treatment and Recycled Water Use

The information presented in the EA does not fully analyze potential environmental impacts from proposed use and storage of recycled water on-site and off-site. Additional analysis is needed to demonstrate the feasibility of on-site wastewater treatment, recycled water storage and reuse, and potential use of recycled water off-site.

Storage Tank Capacity

The proposed on-site recycled water storage ponds and tanks would be located in the “Treatment Area” in the southeastern portion of the site. Several options for recycled water disposal are presented in Appendix C, including construction of 12- to 16-million gallon recycled water storage tanks. This would provide adequate storage for about 40 to 50 days. Since discharge will not occur between May 15 and September 30 (138 days) significantly more storage, on the order of 40 million gallons, would be needed. Proposed facilities are not shown on the site plan and more information is needed to ensure that there is adequate space to accommodate needed storage, applying site-specific evapotranspiration (ET) rates and discharge volumes.

Evapotranspiration Rates

The landscape and crop ET calculation used in the EA are substantially different from the recycled water applications rates set for the Windsor Water district, the nearest permitted recycled water producer to the site. Site-specific and ET rates should be used to recalculate, together, for a more realistic estimate of the volume of effluent that could be discharged to Pruitt Creek to fully evaluate impacts related to onsite recycled water use and storage.

Recycled Water Reuse

The Proposed Project relies on dry season use and disposal of recycled water, but has not demonstrated adequate opportunities to reuse the volume of wastewater projected to be produced at the site. Eleven acres of off-site vineyards are an optional component of the recycled water balance; however, the proposed irrigation sites have not been identified. The Proposed Project includes use of recycled water for dual plumbing and toilet flushing, however the State Division of Drinking Water (DDW) and applicable regulations do not permit recycled water use in food service buildings, such as restaurants and bars. The stated reliance on State standards is misleading. The recycling of water should be a concrete mitigation measure, with an analysis of the impacts of that mitigation. The analysis should include a realistic estimate of recycled water production, reasonable estimates for recycled water reuse based on acceptable ET rates, and identification of all on-site and off-site recycled water use and disposal options consistent with Title 24.

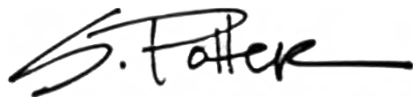
Biosolids and Brine

Proposed wastewater treatment would produce biosolids and brine that would require disposal. The EA indicates that biosolids produced by the WWTP would be dewatered on-site and periodically hauled to a Class III landfill. In the very near term, State landfill diversion targets (per SB 1383) will require the diversion of biosolids from landfills, and recent CalRecycle regulations have already clarified that biosolids cannot be exempted from diversion targets as alternative daily cover. State law requires a 75 percent reduction in the landfilling of organic wastes by 2025. In addition, biosolids from WWTPs contain constituents of concern, including PFAS (per- and polyfluoroalkyl substances), and both direct and lifecycle impacts of these contaminants should be analyzed. Pyrolysis and disposal that does not involve land application has other foreseeable impacts. Proposed disposal sites that can accept biosolids and brine may be located at great distance for the Proposed Project site so associated transport greenhouse gas emissions and secondary impacts should be evaluated.

CONCLUSION

In conclusion, the Proposed Project may have significant impacts that have not been fully analyzed and additional investigation is needed. The EA does not present adequate evidence to support the conclusion that there will not be significant water resource impacts. Potential project and secondary impacts have not been fully analyzed and the EA lacks information essential for a reasoned choice of alternative development proposals for the site. In light of these deficiencies, we recommend preparation of an Environmental Impact Statement.

Sincerely,
WEST YOST



Sandi Potter, PG, CEG
Senior Technical Specialist I

PG No. 5610
CEG No. 2170

EXHIBIT B



Sonoma
Water

MEMORANDUM

DATE: October 27, 2023

TO: Verne Ball, Deputy County Counsel

FROM: **Jeff Church, Senior Environmental Specialist at Sonoma Water**

PROJECT: Koi Nation Casino Environmental Assessment

SUBJECT: Documentation of observations of steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek, Windsor California.

A few notes on observations of both resident rainbow trout and anadromous steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek near Windsor, California.

The monitoring site was located in a reach of Pruitt Creek that crosses Faught Road, southeast of Windsor California. Observations were made on the upstream and downstream sides of Faught Road, including upstream to the creek culvert at Shiloh Ridge Road (approximately 450 linear feet of stream length). Pruitt Creek is perennial in pools immediately downstream of Faught Road and upstream of Faught Road approximately 0.5 miles as observed. Pruitt Creek transitions to an intermittent and ephemeral stream approximately 100 feet downstream of Faught Road during the dry season.

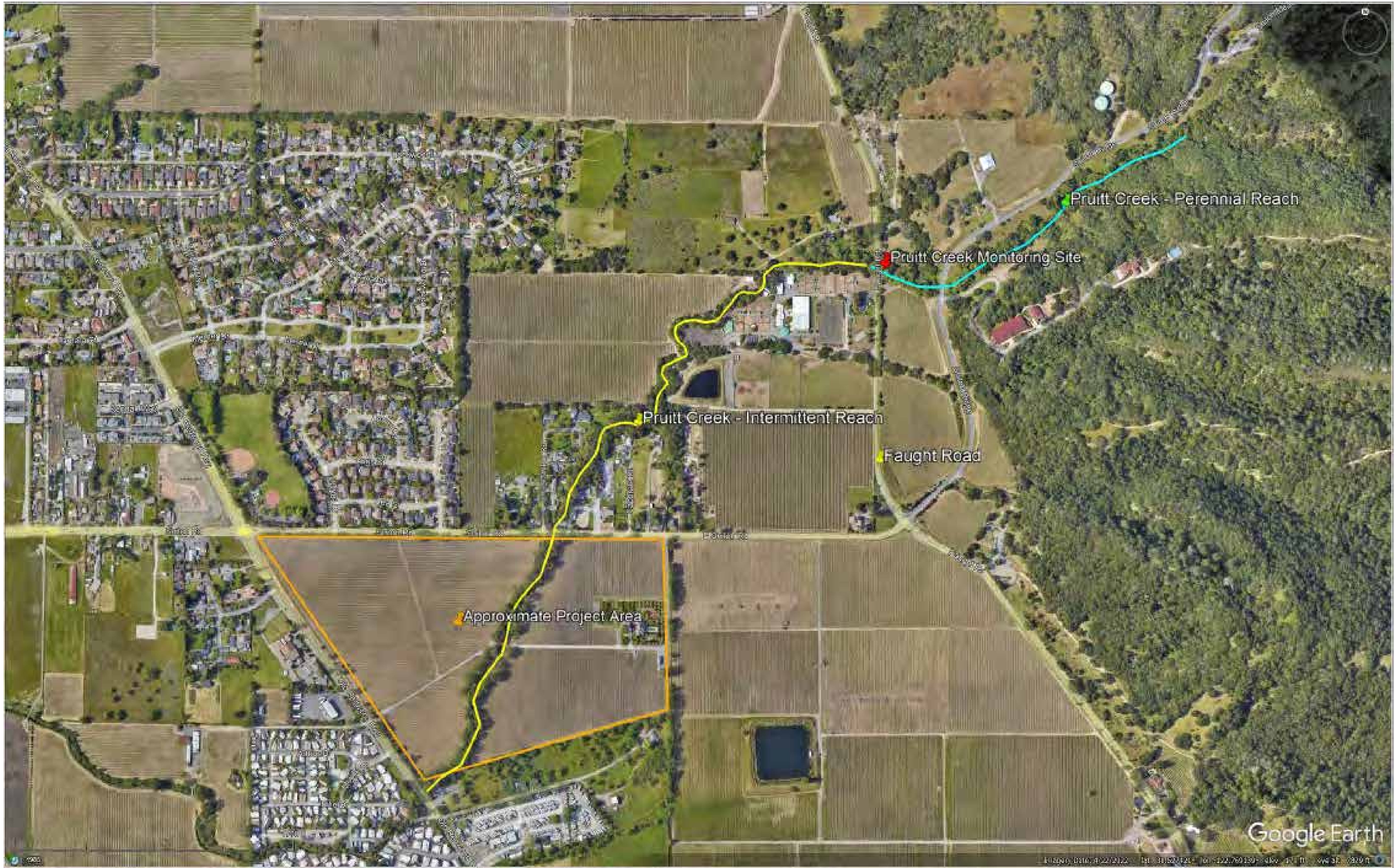
Monitoring began on December 7, 2001 and continued through July 28, 2016. Monitoring began as an effort to record water temperature measurements to determine whether Pruitt Creek could serve as a potential reference stream in the Russian River Watershed. As a reference stream it could provide information on natural water temperature patterns and ranges that could be expected to occur in similar sub-watersheds within the Russian River basin. Monitoring also included observations for the presence of steelhead salmon. Positive observations of the presence of steelhead coupled with water temperature data could be used to determine if water temperature regimes in Pruitt Creek (and similar sub-watersheds) are suitable for steelhead long-term survivability.

Monitoring frequency varied, with monitoring occurring as frequently as several times a day to as little as once or twice a week or monthly.

Steelhead were observed in all years of monitoring except during the beginning of the effort in December 2001 and winter/spring 2002 due to high turbidity (and low visibility) from a failed culvert and earthen creek crossing upstream of the monitoring location. The culvert and earthen crossing were removed and the site restored in late 2002 to early 2003. The majority of observations included resident rainbow trout of several age classes including fry and young of the year. Adult anadromous steelhead were observed migrating upstream on two different

occasions. The first observation occurred on February 3, 2008 and included one adult steelhead (approximately 18-20 inches in length) in a pool upstream of Faught Road but carried downstream to a pool below the Faught Road crossing. The second observation occurred on February 13, 2008 and included one adult steelhead (approximately 24 inches in length) under the Faught Road Bridge that also moved into the pool downstream of the crossing. This observation included a second smaller fish, approximately 10 to 12 inches in length.

Adult steelhead were also observed in Pool Creek downstream of the confluence with Pruitt Creek in a pool underneath the pedestrian bridge at Windsor Golf Course. Two separate observations of individual adult steelhead were made while golfing in the late 2000s or early 2010s. Observations were not part of a monitoring effort but were happenstance while golfing and so the dates are not exact, but the time period is accurate. Time of year was spring.



Pruitt Creek - Perennial Reach

Pruitt Creek Monitoring Site

Pruitt Creek - Intermittent Reach

Faught Road

Approximate Project Area

EXHIBIT C



MEMORANDUM

To: Verne Ball, Deputy County Counsel
From: Robert Pennington, Professional Geologist
Date: November 07, 2023
Subject: Koi Nation Casino Environmental Assessment, Pruitt Creek Observations

Dear Verne,

I reviewed the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs. I found the EA to be lacking in site specific analysis, particularly in regard to water supply and wastewater. This memo documents observed conditions in Pruitt Creek and discusses limitation to discharge of treated effluent to this waterway.

The National Hydrography Dataset identifies Pruitt Creek as intermittent, meaning that it has little or no flow for a substantial duration of the year. Local hydrologists and fish biologist know the Pruitt Creek near the project site to be dry for much of the year, even during the winter wet season, unless there have been substantial rains in the preceding months.

To verify stream conditions, I conducted a site visit on the morning of October 27th, 2023, and observed Pruitt Creek at the bridge crossing at Old Redwood Highway located immediately downstream of the project site. The creek was observed to be dry with no residual pools or standing water visible within 30 feet upstream or downstream of the bridge. See Figures 1 and 2. Note, the site visit was conducted on October 27, within what is considered the wet season.

The fact that Pruitt Creek in the vicinity of the project site is dry for much of the year presents a substantial limitation for the discharge of treated wastewater. The estimated average wastewater generation is 232,000 gallons per day (gpd) with an average weekend peak estimated at 335,000 gpd. During the dry season, wastewater would be used for vineyard irrigation and the remainder would be stored. During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species.

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge



#11466800 has a contributing watershed area of 251 square miles. The contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. Recycled water storage volumes must be sized for worst case drought conditions when flows in Pruitt Creek are lowest and dry or very low streamflow conditions may extend into much of the wet season.

It is recommended that multiple years of continuous streamflow data be collected at the site, including during at least one year of severe drought. These data could then be regressed with gauge records from nearby gauging stations with longer records to reconstruct a defensible streamflow hydrograph for the site on which to design wastewater disposal systems and analyze potential impacts.

In addition to streamflow, it is recommended that water quality be sampled including temperature, pH, dissolved oxygen, nitrates, and phosphates. These data are necessary to design and assess the feasibility of the proposed wastewater treatment and disposal system, and to evaluate potential impacts to water quality, aquatic habitat, and beneficial uses of Pruitt Creek and the Laguna de Santa Rosa.



Figure 1. Image looking upstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.



Figure 2. Image looking downstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.

EXHIBIT D

RIVER ROCK TO DEFAULT ON BONDS: TRIBE TO MISS INTEREST PAYMENT, SAYS CASINO WILL REMAIN OPEN

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville. | 

ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

BY ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

May 29, 2014

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville.

The River Rock Entertainment Authority announced it will not be making the May interest payment due Saturday on two outstanding notes, automatically triggering a default on the bonds.

The tribe emphasized the Alexander Valley casino will remain open for business. But it remains to be seen how the default may impact investors and tribal members who receive payments from the casino's profits.

"Although the scheduled interest payment will not be made, we want to assure our customers, vendors and employees that we are generating sufficient funds to operate our business and provide the excellent customer service that our patrons expect," David Fendrick, the casino's CEO and general manager, said in a statement.

The default comes just six months after the opening of a rival casino adjacent to Rohnert Park, which has cut into River Rock's revenues and drawn away gamblers that once flocked to the Alexander Valley casino.

"Our immediate focus is identifying cost savings opportunities to adjust to the challenges of our new competitive environment," Fendrick said.

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The tribe also has brought in consultants to help analyze the casino's marketing efforts, Dry Creek Tribal Chairman Harvey Hopkins said Wednesday. Tribal leaders are "looking at all options," he said in a brief interview.

"We've been constantly meeting with management of the casino, attorneys and financial advisers," Hopkins said. "It's been a long road to get here."

The River Rock Entertainment Authority, an unincorporated governmental arm of the tribe, on May 1 announced that it had failed to make the scheduled interest payment for the month. The authority said it would use a 30-day grace period to reduce costs and to have what Fendrick then characterized as "significant dialogue with our bondholders."

River Rock opened in 2002 as Sonoma County's first tribal casino. To finance construction, the tribe sold \$200 million in senior notes to investors at 9.75 percent interest.

In 2011, the tribe restructured the debt after two rating agencies warned that the business otherwise faced a high risk of default. About \$50 million of that debt since has been repaid, Hopkins said in March.

But Hopkins also acknowledged that River Rock's revenues had declined by more than 30 percent since the Graton Resort & Casino opened in Rohnert Park in November. The new casino is closer to Bay Area gamblers and has roughly five times the space of the 61,000-square-foot River Rock facility.

As a result of the drop in revenues, the Dry Creek tribe has cut per capita payments to its 640 members over the age of 18, Hopkins said in March. In total, the tribe has nearly 1,040 members.

On Saturday, the tribe will default on two bonds: its 9 percent Series A Senior Notes and its 8 percent Series B Tax-Exempt Senior Notes, both due in 2018.

The tribe's announcement did not disclose the size of the interest payment that is due Saturday or the amount of outstanding debt it owes to bondholders.

The default will trigger a "waterfall agreement" that dictates the use of the authority's cash flow, according to the announcement.

Analysts who follow the Indian gaming market have noted that creditors of tribal casinos can't seize assets as might be done under a normal loan default. Instead, they suggested that River Rock may once more seek to restructure its debt, possibly by winning concessions from creditors in regard to the repayment of both principal and interest.

A bondholder on Wednesday seemed to take the default in stride.

"I'm not happy about it," said Mike Hudson, an Indiana man who has owned River Rock bonds for more than five years. "There are many options on the table. This is just the beginning of the next chapter. It's not gloom and doom."

Hudson said that by missing the interest payment, the tribe will be subject to having the casino revenues overseen by a trustee for the bondholders.

"Instead of a democracy, it will be more of a dictatorship," Hudson said. "A professional manager will come and manage the way they see best for the benefit of creditors, not the tribe. Essentially, they've conceded control of the casino."

"It will probably work out. Most of these things usually do," he concluded.

The River Rock Entertainment Authority has retained the law firm Holland & Knight LLP as its legal adviser and will use Stuyvesant Square Advisors Inc. as its financial adviser.

You can reach Staff Writer Robert Digitale at 521-5285 or robert.digitale@pressdemocrat.com. You can reach Staff Writer Clark Mason at 521-5214 or clark.mason@pressdemocrat.com.

EVENING REPORT NEWSLETTER
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News you may have missed today.

EXHIBIT E



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

California Environmental Quality Act
Air Quality Guidelines
Appendix B:
**CEQA Thresholds for Evaluating
the Significance of Climate Impacts
From Land Use Projects and Plans**

April 2022

These guidelines are nonbinding recommendations, intended to assist lead agencies with navigating the CEQA process. They may be updated as needed in the future, and any updates will likewise be nonbinding and advisory.



1 INTRODUCTION AND EXECUTIVE SUMMARY

This report presents the Bay Area Air Quality Management District's (Air District's) recommended thresholds of significance for use in determining whether a proposed project will have a significant impact on climate change. The Air District recommends that these thresholds of significance be used by public agencies to comply with the California Environmental Quality Act (CEQA).

Evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem. Climate change is not caused by any individual emissions source but by a large number of sources around the world emitting greenhouse gases (GHGs) that collectively create a significant cumulative impact. CEQA requires agencies in California to analyze such impacts by evaluating whether a proposed project would make a "cumulatively considerable" contribution to the significant cumulative impact on climate change. (See CEQA Guidelines Sections 15064[h] and 15064.4[b].)¹ But CEQA does not provide any further definition of what constitutes a cumulatively considerable contribution in this context. These thresholds of significance are intended to assist public agencies in determining whether proposed projects they are considering would make a cumulatively considerable contribution to global climate change, as required by CEQA.

The Air District's recommended thresholds of significance are summarized below, with a detailed discussion of the basis for the thresholds presented in the remainder of this report. The information provided in this report is intended to provide the substantial evidence that lead agencies will need to support their determinations about significance using these thresholds. This information also provides the substantial evidence to support adoption of these thresholds by the Air District's Board of Directors. (See CEQA Guidelines Section 15064.7 [thresholds must be adopted by the Board of Directors through a public review process and be supported by substantial evidence].)

1.1 THRESHOLDS FOR LAND USE PROJECTS

For land use development projects, the Air District recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

¹ The 2021 State CEQA Guidelines, including Appendices F and G, can be found at the following website: https://www.califaep.org/docs/CEQA_Handbook_2021.pdf.



Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California’s long-term climate goal of carbon neutrality² by 2045. The Air District has found, based on this analysis, that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045:

Thresholds for Land Use Projects (Must Include A or B)

- A. Projects must include, at a minimum, the following project design elements:
 - 1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
 - 2. Transportation
 - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
 - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.
- B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California’s efforts to address climate change. These recommended thresholds for land use projects are discussed in more detail in Section 4.

² “Carbon neutrality” is defined in Executive Order B-55-18 as the point at which the removal of carbon pollution from the atmosphere meets or exceeds carbon emissions. Carbon neutrality is achieved when carbon dioxide and other GHGs generated by sources such as transportation, power plants, and industrial processes are less than or equal to the amount of carbon dioxide that is stored, both in natural sinks and mechanical sequestration.



EXHIBIT F



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Project:	Transportation Study Guide to Implement Vehicle Miles Traveled Analysis
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Case/File No.:	N/A
Time:	9:00 a.m.	Location:	All Districts
Agenda Item:	#7	General Plan:	Various
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	Notice of Exemption; CEQA Section 15378 and 15060(c)(3)	APNs:	Various

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to make a recommendation to the Board of Supervisors (Board) to adopt, adopt with modifications, or not adopt the proposed Transportation Study Guide (TSG). The revised TSG aligns with State guidance and establishes a threshold based on the regional average Vehicle Miles Traveled (VMT), which includes the entire San Diego region. The TSG also identifies Infill Areas where no VMT analysis or mitigation would be required for future development projects. The TSG also includes other standards and criteria that would be used to evaluate projects, including small projects, locally serving projects and public facilities. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses for projects in the unincorporated area. If adopted, projects could use the TSG immediately as the basis to address the transportation effects of projects.

B. RECOMMENDATIONS

This is a request for the Planning Commission to consider the proposed Transportation Study Guide (TSG) and make recommendations to the Board. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065

and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Recommend that the Board of Supervisors adopt the Resolution:

RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE INCLUDING TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED

C. BACKGROUND

In 2013, the State of California (State) passed Senate Bill 743 (SB 743), which changes how jurisdictions, including the County of San Diego (County), are required to analyze transportation impacts from projects under the California Environmental Quality Act (CEQA). CEQA was signed into law in 1970 to provide standards for regulating pollution and preserving the natural environment. CEQA requires California's public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions and to limit or avoid those impacts when possible. State CEQA Guidelines encourage lead agencies, like the County, to develop and publish guidelines to describe the level at which the environmental impacts become significant and therefore need to be reduced and/ or mitigated, or offset. These are called thresholds of significance. SB 743 required local jurisdictions to shift their environmental impact analysis for transportation from using traffic congestion or "level of service" (LOS) to Vehicle Miles Traveled (VMT) starting July 1, 2020. VMT replaces motorist delay and associated level of service (LOS) as the metric for analysis of transportation impacts under CEQA.

Although traffic congestion measured the impact on the driver, VMT is intended to balance the needs of congestion management with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation, such as walking and biking. VMT is calculated by determining the distance and number of vehicle trips generated from a home or business. When analyzing a project's impact on the environment from VMT, a lead agency can provide guidance on impacts from VMT by comparing the estimated VMT from the project to the average VMT in a defined area.

SB 743 does not require local agencies to adopt guidelines or to establish a threshold for VMT; however, agencies may adopt guidelines and thresholds after public review, and these guidelines and thresholds must be supported by substantial evidence. If an agency does not adopt guidelines or thresholds, each project must develop a specific threshold to determine whether the project's impacts will be significant under CEQA.

When analyzing a project's impact on the environment from VMT, the estimated VMT from the project is compared to the average VMT in a defined area. If a project decreases VMT from existing conditions within the defined area, it may be considered to have a less than significant impact on transportation, depending on the decrease. A project can also be considered to have a less than significant impact on VMT if it generates less than a specified number of average daily trips. Other criteria can also be used

to determine if a project has a less than significant impact from transportation on the environment, such as projects that are adjacent to existing major transit facilities.

Projects found to have a significant impact on the environment under CEQA are required to mitigate for, or offset, those impacts where feasible. Mitigation includes projects that reduce VMT like installing bike lanes and sidewalks, which reduce driving and vehicle trips. Because a project's VMT is largely based on the location of the project, which cannot easily be changed, mitigating for significant VMT impacts can be difficult to accomplish without a defined mitigation program in place. Mitigation for transportation impacts can also be costly. Therefore, using VMT as the metric for analyzing transportation impacts under CEQA incentivizes development in higher density areas near transit with a diverse mix of uses, and disincentivizes it in lower density areas that are more distant from jobs, services, and transit.

A transportation analysis involves determining the project's VMT using nationally adopted traffic standards and modeling and comparing those to something like a regional VMT average. Then for a project to be considered efficient, it is compared to a threshold that is also adopted by a jurisdiction, such as 15 percent below the regional VMT average, which is the threshold recommended by the Governor's Office of Planning and Research (OPR). If the average VMT is below the threshold, the project does not have a significant VMT impact and can move forward, without further VMT analysis.

If the average VMT for the project exceeds the threshold, the project must propose mitigation to reduce the project's VMT to below the threshold (i.e., by providing multimodal or transit infrastructure or other measures to reduce or offset VMT). If the project cannot reduce their VMT to below the threshold, an Environmental Impact Report (EIR) is required with a statement of overriding considerations for the project's significant and unavoidable transportation impacts. VMT is one of multiple subject matter areas analyzed under CEQA. Even if a project does not have a VMT impact, the project still requires environmental review for other CEQA environmental subject matters like biology, cultural resources, and fire hazards.

OPR prepared a Technical Advisory document to assist local agencies when developing their own guidelines for the assessment of VMT, thresholds of significance, and mitigation measures. OPR stated that lead agencies have the discretion to set or apply their own thresholds of significance. Based on staff's research, jurisdictions across the state have taken different approaches to implement VMT. Of the 58 counties in the state, 16 adopted their own VMT guidelines, nine chose to rely on OPR guidance and not adopt their own guidelines, and 33 have no guidance, so projects develop their own VMT analysis on a case-by-case basis. Of the 16 counties that adopted their own VMT guidelines, eight counties adopted a threshold based on the unincorporated area average, six adopted a threshold based on the regional average, and two counties chose other alternatives.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted a Transportation Study Guide (TSG) for the unincorporated area, a technical guide for analyzing transportation impacts for projects using VMT. The TSG described the process and procedures for project applicants and their consultants to use when preparing transportation analyses. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a Level of Service (LOS) D (which is considered a stable flow of traffic with an acceptable level of delay) or better and to ensure the safe operations of the roads for all users including bicyclists and pedestrians. In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and the Sierra Club filed suit against the County, alleging adoption of the TSG violated CEQA and SB 743.

On May 19, 2021 (1), the Board received an overview of how VMT implementation was progressing nearly a year after adoption of the County's TSG. Staff also requested the Board to provide direction on potential updates to the VMT thresholds used to evaluate the significance of a project's transportation impacts, including options for using an unincorporated area average, sub-areas average, or a regional average to measure existing average VMT, and the screening level threshold for "small" projects that should be exempt from performing additional transportation analysis. A project is considered "small" if it generates less than 110 Average Daily Trips (ADT). The Board was also given the option to leave the existing TSG in place.

After receiving the update, the Board provided direction to explore 13 items related to VMT:

1. Assess and explore the process by which infill development can be done in a manner to ensure no VMT mitigation is necessary.
2. Explore the potential creation of transit accessible areas and look at the intersection between VMT efficient areas or lower thresholds in accordance with the areas that do not require further analysis. Explore the potential transit corridors and look at the SANDAG Regional Transportation Plan (RTP), Metropolitan Transit System (MTS), North County Transit District (NCTD), and other possible areas and how that may impact VMT efficient areas or areas covered by the exemption.
3. Explore programmatic or plan-level mitigation opportunities for VMT, including the concept of a regional mitigation bank.
4. By-right process for development in VMT efficient areas.
5. Further exploration of exceptions to the VMT thresholds for affordable housing projects at less than 100 percent affordable, including mixed income and various components of Area Median Income (AMI), along with exploring the possibility of exceptions for middle income or workforce housing, local hire, and agriculture type projects that might have a net impact of lowering VMT.
6. Explore land use density of land that is in VMT efficient areas.
7. Continue to track guidance from the California Office of Planning and Research (OPR), along with other governing body efforts, including the SANDAG RTP.
8. Monitor the progress of other jurisdictions as it relates to their adoption, along with what unique programs, exemptions, or opportunities they may be exploring that the County may want to consider.
9. Consider a phase-in timeline to allow for a transition into a regional geography.
10. Consider compliance options for projects that have already been proposed or are in the process now.
11. Conduct an analysis of the options to remove the Local Mobility Analysis.
12. Inform the Board regarding updates on development of the Smart Growth component of the Climate Action Plan (CAP) Update and Supplemental EIR to ensure it is integrated and aligned with efforts around VMT.
13. Conduct an analysis of proposed housing projects designated for individuals under 60 percent AMI and under 80 percent AMI and the potential cost impact of switching to a regional geography.

After the May 19, 2021 Board meeting, OPR clarified that "regional" is defined as the full geography within the jurisdictional borders of a Metropolitan Planning Organization (MPO) or a Regional Transportation Planning Agency (RTPA). For San Diego County, this is the San Diego Association of Governments (SANDAG) region, which includes the entire county. Previously, in its 2018 guidance, OPR recommended that for projects in the unincorporated area, the lead agency compare a project's VMT to

a “citywide” average VMT or the “region’s” average VMT. For example, the City of San Diego could evaluate a project’s VMT compared to the citywide average or the overall region’s average. For comparison, the VMT threshold using the unincorporated average is 23.4 miles and the threshold using a regional average is 16.9 miles (average reduced by 15 percent as recommended by OPR).

Although the OPR Technical Advisory is intended to provide advice and recommendations and is not mandatory, as directed by item 7 above, staff returned to the Board on September 15, 2021 (1) with this new guidance, and the Board adopted a resolution to rescind the County’s TSG based on OPR’s updated guidance that the County should use the regional average VMT for projects in the unincorporated area.


On February 9, 2022 (7), the Board received the presentation and overview of the 13 items and provided direction on options to implement analysis of transportation impacts of proposed projects under CEQA using VMT in two phases.

Phase one included the following:

1. Prepare a revised TSG using a regional geography, circulate it for a 30-day public review, and return to the Board within six months for consideration with a cost of \$100,000. The revised TSG should also include the following:
 - a. Develop new VMT screening criteria for projects within Infill Areas and any surrounding “Village” as identified in the General Plan, excluding areas outside of existing or planned transit and areas mapped as High and Very High Fire Hazard Severity Zones. The screening criteria will allow projects located in Infill Areas and any surrounding “village” to move forward without VMT analysis or mitigation. This option would allow up to 5,870 homes to move forward without VMT analysis based on the General Plan (Infill Areas combined with VMT efficient areas). Projects located outside these areas will need to conduct a VMT analysis and propose mitigation to reduce their impacts.
 - b. Adopt the 110 average daily trips small project screening criteria.
 - c. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis.
 - d. Require an LMA. The LMA for discretionary projects would be used to evaluate road operations, traffic safety, and access. The study scope of LMA has been reduced when compared to the previous CEQA required traffic analysis based solely on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to intersections located near the project with the primary focus on traffic safety and not roadway capacity.
2. Directed staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

EXHIBIT G

Inside the fight to save Windsor from the Kincadee fire

Officials were told Windsor would almost certainly lose homes to the Kincadee fire, but not a single house was lost, thanks to hundreds of firefighters who braved great peril to face down a surging wildfire on Oct. 27. | 



SLIDE 1 OF 30

Santa Monica Fire Department firefighters Armando Reyes, left, and Andrew Klein quickly bundle their fire engine's hose to move to protect a different structure during the Kincadee fire on Los Amigos Road in Windsor on Sunday, Oct. 27, 2019. (ALVIN JORNADA/ PD)

MARY CALLAHAN
THE PRESS DEMOCRAT
November 9, 2019

Flames were sweeping down the grassy slopes of Foothill Regional Park toward the near-empty town of Windsor when Sonoma County Fire District Battalion Chief Mike Elson drove up Cayetano Court and realized the moment they had all been bracing for had come.

Two-story flames and glowing firebrands whirled through the smoke-darkened skies, setting fences and trees ablaze, lighting landscaping and, soon, sparking fires at several homes in the neighborhood, as well.

The marauding Kincadee fire had been bearing down on Windsor all morning, burning its way through a rural landscape across a wide area north of town, where an army of firefighting forces stood ready to face it late in the morning of Oct. 27.

But it would be northeast Windsor, in and around hundreds of homes in the Foothill Oaks Estates, where they confronted the biggest threat - a near-overwhelming battle to keep the blaze from taking the neighborhood and the town.

Scores of firefighters took part in the initial attack, making a stand amid the chaos, barely daring to hope they would prevent the fire from ripping through town, let alone sweeping across Highway 101 and burning a trail of destruction all the way to the coast.

"That fire coming off of Foothill Park, that fire was coming off that hill very quickly, and it was massive," said Elson, who was leading a nine-engine task force but eventually took command of the Foothills campaign. "It was a massive firefight. There were flames up over the tops of houses ... and those are mostly two-story houses, so they were 30, 40 feet in the air."

But in what became a pivotal juncture in the two-week effort to beat back Sonoma County's largest wildfire ever, the battle for Windsor spared every single home in the town of 27,000 people and substantially curbed the fire's spread.

Sonoma County fire officials credit 200 firefighters or more, both local and from outside the area, who jammed into the neighborhood and simply refused to give way to the flames.

They fought house-to-house, confronting the blaze so aggressively they pushed the boundaries of personal safety to the very limit - to the point Sonoma County Fire District Chief Mark Heine said he came close to ordering crews to fall back in a few cases.

"That was very dangerous firefighting in there," Heine said. "To enter someone's backyard, where everything in their backyard was on fire, meant they didn't know if they could get themselves back out. There was just that spirit of, 'We're not letting this fire come to our town.'"

It came frighteningly close, making innumerable forays into the Foothills area, a neighborhood of several hundred homes tucked up against the hills of the regional park east of Arata and Hembree lanes in the northeast section of Windsor.

Particularly vulnerable were about 150 homes arrayed around cul-de-sacs, many of which had backyards exposed to the park or connected landscape, often separated from the parklands only by wire fencing.

But ferocious winds that sent sparks and flaming debris well ahead of the fire front that day meant anywhere in the neighborhood or even within a mile or two was at risk of blown embers and fire starts.

Were the fire to get established in even two or three homes, generating intense heat, large flames and embers, "We were likely to lose that whole neighborhood," Heine and others said.

Residents who returned to the area days later found singed trees and burned gardens, lengths of fencing turned to charcoal, ash-covered ground where the flames had spread directly from the blackened hills of Foothill park into their backyards. There were scores of places - outdoor sofa cushions, patches of grass, Halloween decorations - that had caught fire and been put out.

Firefighters had to kick down doors in a few cases to douse attic fires after embers ignited rooftops or burned fencing up to exterior walls like they did at Michelle and Brad Stibi's place on Valle Vista Court.

"We were the loop on national TV," Michelle Stibi, 50, said, her expression suggesting she was none too impressed with the celebrity brought by widely shared footage of the firefight in her yard. "This is going to be a concrete jungle when Brad gets done with it."

Fire officials say it would have been worse if it weren't for the stucco and tile or concrete roof construction that dominates the Spanish-styled Foothill Oaks Estates subdivision that makes up most of the area between Hembree Lane and Vinecrest Road, where the firefight took place.

"Some of those embers were still getting up into those eaves," Elson said, "but construction features that they built into those neighborhoods definitely helped."

A far more critical factor was the early evacuation of residents, clearing the way for firefighters to battle flames and defend property without the need to commit time and attention to rescue efforts. Saving lives and getting people out had completely consumed public safety personnel during the early phase of the 2017

Tubbs fire, which swept across Sonoma County from Calistoga by night with such speed that hundreds were trapped in their homes and neighborhoods and forced to flee through the flames.

"If people had stayed in those homes in Foothill, they would have died," Heine said starkly, "and if not, it would have created such a complex issue for us that we wouldn't have been able to fight the fire. It allowed us to focus on the fire and not life-safety and rescue."

The 77,758-acre Kincadee fire, now 100% contained, started many miles north of Windsor, atop The Geysers, during extremely strong winds the night of Oct. 23. It had burned virtually unchecked for four days along a mostly southerly path before it rushed toward Windsor during a period of rapid, wind-driven growth around midday Oct. 27.

Sonoma County Sheriff Mark Essick had ordered all Windsor residents to leave home a day earlier in what would be a succession of evacuations that cleared out a huge swath of Sonoma County. More than a third of the county's population was under mandatory evacuation order, from Geyserville and Alexander Valley down to north Santa Rosa, and west to Jenner and Bodega Bay.

Hurricane-force winds coming out of the northeast and fire forecast modeling had contributed to the same terrifying prediction: that an unstoppable firestorm could burn through Windsor and jump the freeway into the thickly forested Russian River Valley, where flames fed by dense fuels unburned for decades would run all the way to the Pacific Ocean.

Public safety officials alerted the public to this "worst-case scenario" when evacuation orders were issued.

But it's not clear how many civilians appreciated the very real possibility of it coming to pass.

Most Californians are certainly aware of the increasing intensity of and destruction wrought by recent wildfires, experienced close to home in October 2017, when a series of fires rampaged through the region, killing 24 people in Sonoma County and destroying more than 5,300 homes.

But even Windsor Mayor Dominic Foppoli, during a celebration of the town's endurance last weekend, felt compelled to ensure his constituents understood the gravity of what they had faced a week earlier.

Foppoli, 37, said top fire brass briefed him and other town officials a short time before Essick ordered Windsor and Healdsburg to evacuate the morning of Oct. 26 and told them at least part of their community would likely be lost to fire before the flames continued westward.

"This was not an 'if,' but it was a 'when,'" Foppoli told an estimated 4,500 who gathered in the town square to salute firefighters.

But there was positive side, too, Sonoma County Fire District Battalion Chief Marshal Cyndi Foreman said.

All the mapping, modeling and intelligence put Windsor squarely in the bull's-eye of the wildfire, Foreman said, so "we knew that we were not going to dodge this one, but we also knew it was coming."

While the Tubbs fire and last year's deadly Camp fire in Paradise continue to inform firefighters' expectations in an age of extreme fire behavior, the siege on Windsor came with the luxury of time to plan ahead.

"I'll take a disaster that we know is coming all day long, rather than something that's going to wake me up out of a dead sleep that I don't know is coming," Foreman said.

The Kincadee fire was fought under the unified command of Cal Fire, the Sonoma County Sheriff's Department, the Sonoma County Fire District and several other agencies.

But the planning for Windsor was turned over largely to the Sonoma County Fire District and to Battalion Chief Mark Dunn, with the aid of Heine and other top officials, and support from many others, including fire personnel from other agencies who happen to live in northeast Windsor and offered to help.

Nothing less than the fate of the town hung in the balance, and many thought that even if the town were saved, hundreds of homes would be lost first.

Dunn, for instance, thought substantial residential losses were inevitable if the fire got established at Foothill Regional Park, as it did.

"When people have talked to me, I've been so emotional about it," Dunn said. "It's one thing to have a plan and to ask strike team leaders and strike teams and my own department, 'I need you to do this; you're going to go to this neighborhood and try to hold your ground.'

"That's one thing. But they actually did it, and they did it perfectly. So many individual engines from different agencies doing all that," he said. "It was amazing."

The firefighting force had to be ready to meet the blaze coming in from the north or the east - or both, which is how it transpired - and be prepared to hold Highway 101, whatever it might take, Dunn said.

They had to figure out where they might lose control of the fire and identify contingency plans that included lines which, once crossed, would trigger crews to fall back several blocks to preset points. There was even the potential for the fire to take successive neighborhoods, forcing the entire firefighting force to seek refuge across the freeway if it got bad enough.

Dozens of engines were moved into the area by Saturday night, Oct. 26, some staged at the Luther Burbank Center for the Arts in Santa Rosa. Three strike teams of five engines were prepositioned in Windsor, a number of them redeployed directly from the 4,615-acre Tick fire that was winding down in Southern California.

Sonoma County Fire District personnel and a fleet of bulldozers also were deployed around Windsor, many of them around Arata Lane and Highway 101/Los Amigos Road, near the command post.

As restless fire officials patrolled rural areas north of town late Sunday morning, around 11 a.m., the fire made a drive for Windsor, sweeping off the hills from Chalk Hill Road in several directions once, fire officials said. One head of the fire was veering past Hillview Road toward Limerick Lane and the highway, while another came down Hillview south toward Brooks Road and Arata Lane, and a third came down Chalk Hill Road toward the area of Vinecrest Road, though eventually the biggest threat came from edges of wildfire that merged in Foothill Park and spread swiftly through the grasses of the 211-acre open space.

Roberto Pardo, 54, and his family, meanwhile, were safely ensconced in a Napa hotel, anxiously monitoring news of the Kincadee fire as they had through the night, when security cameras from his Windsor home began sending snippets of grainy footage to his cellphone.

Just before noon, he saw two fire engines pull into Miramar Court near the west side of Foothill park and observed firefighters go into his neighbors' backyards and his own - ensuring they had access in the event it was necessary, was Pardo's guess. He could see the wind whipping so fiercely it bent one of his palm trees nearly in half.

Then the six firefighters, apparently satisfied, lined up side by side in the road facing east and waited - watching, bracing, for the coming siege.

When he saw a law enforcement vehicle take a last, hasty spin around the court before speeding away - as if checking to make sure everybody was gone - he knew "that the fire was here," Pardo said.

Firefighters were frantically canvassing neighborhoods, moving propane tanks, lawn furniture, umbrellas and whatever flammable items they found away from homes, or kicking down fences to improve access or avoid creating fuses that might help ignite homes.

Sonoma County Fire District Capt. Mike Stornetta, whose own home is mere blocks away, had by then gone looking for the fire, dragging a fire hose into Foothill park with Capt. Fred Leuenberger and confronting it there amid the oak trees. They sounded the alarm in the moments before flames hit Cayetano Court and made entry into the neighborhood behind a number of homes at once.

His report marked the beginning of an epic battle, marked by what Dunn said was suddenly one report after another of the fire's arrival in neighboring cul-de-sacs and the response of dozens of fire crews into the area.

Foreman said, "It was like somebody blew the bugle and the cavalry arrived. You couldn't run 10 or 20 feet without running into another firefighter. There were so many resources that saturated that community."

Even so, it was daunting.

Elsom said he thought for a second about the personal vehicle he had left at the Hembree Lane fire station more than a mile to the south and whether he would have time to move it before the fire got there.

"My gut reaction was that we were going to lose that whole neighborhood," he said.

Foreman remembers a point when the fire came down to Vinecrest Road toward the east edge of town when the whole sky went dark - "like somebody turned the lights off" - perhaps as the fire took three homes up a steep, narrow tail of Vinecrest, just outside the town limits.

In the Foothills neighborhood, the firefight lasted an hour, perhaps 90 minutes, a relentless attack in which each strike team and engine leader was authorized to exercise his or her own discretion as to what was needed to advance the cause.

Many neighborhood residents saw the battle unfold on TV or social media, including a widely watched video shared in real-time where they watched firefighters in their own yards and saw their properties in flames.

"We created a whole text group before we evacuated on Saturday, and we all talked to each other the whole time," said Beverly Madden, who retired to a home at the end of Valle Vista Court a few years ago and was alarmed by the video someone passed her way.

She now has ash across part of her backyard and new landscaping, now probably ruined. But "when we saw the video, compared to when we got here? We feel super, super great."

The fire came within yards of Mike Hoesly's home up a long drive way atop a hill at the north end of Cayetano Court, after "toasting" about two-thirds his vineyard and burning through a good deal of landscaping at the edge of his backyard just off Three Lakes Trail in the regional park.

But he's grateful that firefighters saved his heritage oak - the only thing growing on the property, when he and his wife, Kate, moved there in 1990.

"This could have been so tragic, you know?" said Hoesly, 70. "We just feel kind of like if the home construction had been different, it could have been a domino effect."

There would be more firefighting to do later that day and in the days to come, as the wildfire swept up toward Shiloh Ridge and the Mark West Creek watershed.

But for Elson and others from the district who fought the 2017 Tubbs fire and struggled fruitlessly to try to protect homes they instead watched burn, defending Windsor proved a watershed - a badly needed save, a source of redemption, he said.

"You know," said Stornetta, "with the winds that we were having and, with the experiences that we've had in this area and all over California, I was really not holding out a ton of hope that we were going to be able to save it. However, the mentality that everyone had was, 'Hey, we're not letting this happen again.'"

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CALIFORNIA WILDFIRES

Sonoma County under siege: Kincade Fire forces 90,000 evacuations

Kurtis Alexander, Steve Rubenstein, Alexei Koseff, Demian Bulwa

Oct. 26, 2019 | Updated: Feb. 24, 2020 4:20 p.m.

Gift this article



1 of 13

Firefighters light back-fires along Pine Flat Road near Geyserville, Calif. on Saturday, October 26, 2019 to head off the Kincade Fire, which has grown to more than 25,000 acres and triggered mandatory evacuations in Windsor, Geyserville and Healdsburg. Kurtis Alexander/Kurtis Alexander / The Chronicle

Read the latest on the Kincade Fire here.

Two years after being scarred by the deadly Wine Country wildfires, Sonoma County was under siege again early Sunday as thousands of firefighters battled to keep powerful winds from pushing the massive Kincade Fire southwest through dense cities and towns toward the Pacific Ocean.

As of midnight, the county resembled a disaster zone from end to end. Some 90,000 residents has been ordered to flee their homes — including those in the touristy wine capital of Healdsburg, with its boutique hotels and tasting rooms, and the community of Larkfield-Wikiup, which saw whole subdivisions flattened by the Tubbs Fire of October 2017.

In the Santa Rosa neighborhoods of Coffey Park and Fountaingrove, meanwhile, residents in brand-new homes just rising from the ashes were warned they might be next to evacuate. Just about everyone else in the county was either under an evacuation order, an evacuation warning, or a power outage imposed by Pacific Gas and Electric Co. to keep additional blazes from sparking.

“We’re kind of at the mercy of Mother Nature right now,” said Jonathan Cox, spokesman for the state’s Cal Fire agency. “Batten down the hatches and hope the storm passes.”

As of midnight, the Kincade Fire in and around Geyserville — possibly sparked Wednesday by PG&E equipment that had been left on despite the outage — had blackened 26,000 acres and destroyed 31 homes and 46 other structures, according to Cal Fire.

The fire was just 11% contained, or surrounded. More than 2,800 firefighters and upward of 250 engines worked in rugged hills and canyons seeking to boost that figure as they prepared for winds from the northeast forecast to reach 40 mph — with gusts up to 80 mph.

No deaths had been reported. Two civilians and one firefighter sustained non-life-threatening injuries Friday after the firefighter deployed his personal fire shelter to save himself and the two fleeing residents.

Saturday had been a day of preparation and worry. Authorities continually expanded evacuations, while opening shelters for evacuees. Fleeing residents jammed Highway 101, and lined up to fill their tanks at gas stations. Stores in Sonoma County and well beyond sold out of ice, batteries, portable generators and other supplies.

Evacuated areas included Windsor and Mark West Springs as well as Guerneville, Forestville, Occidental, Bodega Bay and other spots along the Russian River and the coast. Among those who had to move on were roughly 100 patients at Sutter Santa Rosa Regional Hospital, who were transferred to medical facilities in Novato and San Francisco. Sonoma County officials had to empty a jail as well, just in case.



A police officer leaves a home after placing an evacuation order in the mailbox on Saturday, Oct. 26, 2019, in Geyserville, Calif.
Paul Kuroda / Special to The Chronicle

National Weather Service meteorologist Drew Peterson said the area was expected to see “extreme, extreme conditions.” The strongest gusts were expected to pick up early Sunday in the hills and ridges and continue into Monday — a more intense and longer-lasting windstorm than the one that pushed the 2017 fires in Wine Country.

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Healdsburg and Windsor residents get the word: It's time to evacuate

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On Saturday, in a last-ditch effort to halt the progress of the fire before the winds picked up, hundreds of firefighters aided by airplanes and helicopters pre-emptively burned vast stretches of grassland to create a fire break. The back-fires, many set along Pine Flat Road east of Geyserville as the sun went down, were designed to create a buffer zone between the fire and the many towns of the Sonoma Valley.

“We want to make sure it doesn’t go down any farther,” said Capt. Mike Tompkins of the Tiburon Fire Department.

His crew was part of a team using drip torches to light dry brush and grass on fire. Another team, high on a ridge above, was lighting fires back toward Tompkins’ team so that the flames from both sides would merge and create one big fuel break. Asked if it would work, Tompkins raised crossed fingers and said, “We’ll find out.”



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Chris Markell momentarily stops his car on the 101 on ramp to photograph the Kincade Fire on Friday, Oct. 25, 2019, in Healdsburg, Calif.
Paul Kuroda / Special to The Chronicle

In Healdsburg and Windsor early Saturday, residents and businesses rushed to pack up and get out of town. Danielle Kuller, the manager at Amy's Wicked Slush ice cream store in Healdsburg, said the store shut down and sent employees home.

"We're just trying to make sure everyone's safe," Kuller said.

At KC's American Kitchen in Windsor, dozens of breakfast customers watched the sheriff's press conference on the restaurant TV and found out the town was being evacuated.

"They all paid their checks and left," said Sheryl Farmer, the restaurant manager. "The restaurant is empty now. Our staff is worried and frantic. They're all trying to get home to be with their families. It's a little stressful."

By afternoon, the only people still allowed in Windsor were law enforcement personnel putting barriers on roads, driving through neighborhoods with loudspeakers and sirens, and going door to door to reach residents.

"It was nuts," said Brian Benn, who waited 15 minutes to fill up at a gas station in north Santa Rosa, just outside the evacuation area, where he said the lines for each pump were six cars deep. "You can tell people are feeling a little panicked, and trying to get their stuff together."

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From left: Cal Fire Healdsburg's Daniel Frazee, Andrew Rush and Cassidy Harms watch as helicopters pass by and dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

About 90 people under a previous mandatory evacuation order from the Geyserville area spent Friday night at an emergency shelter at the Healdsburg Community Center, Red Cross spokeswoman Barbara Wood said. Half a dozen new arrivals joined other residents at the former elementary school. Restaurants provided meals and concerned citizens dropped off books, toothbrushes and fresh chrysanthemums for the dining hall tables. But by Saturday, the shelter was itself evacuated.

Down the road, Jorge Vazquez, 31, who works in the maintenance department at the Best Western Dry Creek Inn in Healdsburg, was tasked with going door to door telling guests to leave. Each was given 30 minutes. Many there were also evacuees from the Geyserville area, forced to make their second evacuation in three days.

"It took some convincing to get them to leave," Vazquez said. In one case, he said, he had to threaten to call the police.

New evacuation centers were opened at the veterans halls in Santa Rosa and Petaluma, and at the Petaluma Fairgrounds.



Fire-friendly weather conditions affected much of Northern California, where as many as 940,000 customers were expected to lose electricity in planned Pacific Gas & Electric Co. power outages designed to prevent the outbreak of additional fires.

With what forecasters called a “potentially historic” windstorm expected Saturday night into Sunday, PG&E began shutting off power to as many as 2.8 million people across huge swaths of the state in an attempt to avert wildfires. The utility said homes and businesses could lose power in portions of 38 counties across the Bay Area and throughout Northern and Central California.

“The next 72 hours will be challenging,” Gov. Gavin Newsom said at a Napa event Saturday. “I could sugarcoat it, but I will not.”



Roilene picks up last items before evacuating from her house with her husband Wolfgang on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

The planned outages were unprecedented, affecting far more people than two previous shutoffs. In the last widespread round of planned outages this month, 738,000 residences and businesses in Northern and Central California had their electricity cut off.

The first blackouts began Saturday afternoon, affecting portions of counties in Northern California and the Sierra foothills — Amador, Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Plumas, San Joaquin, Sierra, Siskiyou, Shasta, Tehama and Yuba counties. They later spread to the Bay Area, affecting Alameda, Contra Costa, Marin, Napa, Solano and Sonoma counties.

The Marin County Sheriff's Office said it expected the outages to affect 99% of the county.

"It almost feels like an apocalypse," said Armand Quintana, manager at Jackson's Hardware in San Rafael. "There are lines at the gas station, people are buying ice from grocery stores, they're out of ice. I'm looking for zombies."

The store ran out of its stock of 50 generators, which sell for \$1,100 to \$5,000. Just hours before the expected power outages Saturday, it ran out of flashlights, batteries, candles and other power-outage supplies.

Smoke from the blaze was wafting through the Bay Area and could be sniffed on Saturday in downtown San Francisco. Air quality experts advised that buying masks and filters is no substitute for finding clean-air spaces, such as libraries and shopping malls.



Helicopters dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

“Masks may not be the answer for a lot of people,” said Dr. Jan Gurley of the San Francisco Department of Public Health. “Sometimes they make you feel a little better. But there are no substitutes for getting to where the air is clean.”

Air quality throughout the Bay Area was expected to be “unhealthy for sensitive groups” and a Spare the Air Day was declared by the Bay Area Air Quality Management District. It was the 20th of 2019, compared with 13 days in all of 2018, 18 days in 2017 and 27 days in 2016. Residents were advised to limit outdoor activity and avoid driving and wood burning.

On Saturday, the Kincade Fire was burning in a southwesterly direction on the east side of Highway 128 and eastern Geyserville. Firefighters built containment lines on the edge of Geyserville, where 735 structures were under threat.

Newsom toured the fire area Friday, visiting residents, meeting local officials and praising firefighters for their “extraordinary heroism.” The governor also stepped up his criticism of PG&E, as state regulators looked into whether the utility company’s equipment played a role in the fire.

The company reported Thursday that equipment on one of its transmission towers broke near the origin point shortly before the Kincade Fire was reported at about 9:27 p.m. Wednesday. Power had been shut off in the area, but not on that specific transmission line, in an effort to prevent such an event.

Chronicle staff writers John King and Catherine Ho contributed to this report.

Kurtis Alexander, Steve Rubenstein, Alexei Koseff and Demian Bulwa are San Francisco Chronicle staff writers. Email: kalexander@sfchronicle.com, srubenstein@sfchronicle.com, alexei.koseff@sfchronicle.com, dbulwa@sfchronicle.com Twitter: [@kurtisalexander](https://twitter.com/kurtisalexander) [@SteveRubeSF](https://twitter.com/SteveRubeSF) [@akoseff](https://twitter.com/akoseff) [@demianbulwa](https://twitter.com/demianbulwa)

EXHIBIT H

Brings Chickasaw’s unparalleled gaming expertise and shared values to project to support Koi’s economic independence on tribal lands in Sonoma

Santa Rosa, Calif. (24 January 2022)— The **Koi Nation of Northern California**, one of California’s historic federally recognized Native American tribes, has executed a predevelopment agreement with **Global Gaming Solutions (GGs)**, a wholly-owned business of the **Chickasaw Nation of Oklahoma**, to engage as the Koi’s development partner for its planned **Shiloh Casino & Resort in Sonoma County**. GGS will also act as the manager and operator of the establishment when completed.

“We are honored to build this important business relationship with our brothers and sisters of the Chickasaw Nation, one of the most experienced Native American tribes in the gaming industry,” said Darin Beltran, Koi Nation’s Tribal Chair.

“Not only does the Chickasaw Nation have great expertise in gaming and resorts, but they also share the same values as the Koi Nation. Chickasaw leaders understand the importance of this project to the restoration of our economic self-reliance because they have walked the same path many times in support of their own people’s future,” said Dino Beltran, Koi Nation Vice Chair and Director of Development.

The Chickasaw Nation, with its tribal headquarters in Ada, Oklahoma, has an exemplary track record in developing and operating tribal gaming operations and related resort properties. It operates 23 gaming establishments around the nation, including Winstar World Casino and Resort, the largest casino in the world. The Chickasaw Nation also operates nearly 200 additional highly successful businesses, giving it a broad range of commercial expertise that makes it the ideal partner to develop and manage the Shiloh Resort & Casino.

“The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration,” Chickasaw Nation Governor Bill Anoatubby said. “The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state and



community of officials are key components to our mission. We look forward to witnessing new jobs, additional businesses and increased tourism to this region.”

“We are excited by the opportunity to use our expertise to help the Koi Nation realize this project and establish the economic self-sufficiency that is the inherent right of all Native American tribes,” said Bill Lance, Commerce Secretary of the Chickasaw Nation. “We look forward to beginning a successful long-term economic partnership with the Koi.”

About the project

The Shiloh Casino & Resort will be built on the Koi Nation’s property at 222 E. Shiloh Road in unincorporated Sonoma County. The tribe purchased the 68-acre site late last year to re-establish its tribal land base more than a century after the Koi’s ancestors were forced to relocate to the Santa Rosa/Sebastopol area.

The non-smoking Shiloh Casino & Resort will include a 2,500 Class III gaming machine facility, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa, as well as a state-of-the-art live entertainment venue. The design for the low-rise facility integrates with the natural beauty of the region and will be energy-efficient and respectful of the environment, in keeping with the Tribe’s historic relationship with the land.

The Shiloh Casino & Resort will employ more than 1,100 full-time workers when fully operational. The project also will create hundreds of jobs for workers in the construction trades and other skilled laborers. The Koi Nation anticipates that a portion of the resort’s revenues will be shared with the broader community through the support of local organizations as well as collaborating with local governments to address their needs.

About the Koi Nation

The Koi Nation’s mission is to empower our people to achieve a better way of life and to maintain tribal integrity and honor through responsive government. We are committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent,



including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County. For more information visit <https://www.koinationsonoma.com>

About the Chickasaw Nation

With more than 73,000 citizens, the Chickasaw Nation is a democratic republic with executive, legislative and judicial departments elected by its citizens. The treaty territory of the tribe includes 7,648 square miles of south-central Oklahoma and encompasses all or parts of 13 Oklahoma counties. The Chickasaw Nation contributes billions to the Oklahoma economy annually and employs nearly 13,500 workers.

For more information, visit <https://www.chickasaw.net>





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Rohnert Park, CA 94928-3126

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Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820,
Sacramento, CA 95825

9582531865 C033



November 8, 2023

**City Council**

Samantha Rodriguez
Mayor

Susan Hollingsworth Adams
Vice Mayor

Jackie Elward
Gerard Giudice
Emily Sanborn
Councilmembers

Marcela Piedra
City Manager

Don Schwartz
Assistant City Manager

Michelle Marchetta Kenyon
City Attorney

Lee Burdick
Assistant City Attorney

Cindy Bagley
Director of Community Services

Jamie Cannon
Director of Human Resources

Vanessa Garrett
Director of Public Works

Sylvia Lopez Cuevas
City Clerk

Tim Mattos
Public Safety Director

Leo Tacata
Finance Director

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820,
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke,

On behalf of the City of Rohnert Park, we urge you to reject the Koi Nation's application to acquire land in trust near the Town of Windsor for purposes of building a gaming facility. This proposal is wrong for many reasons.

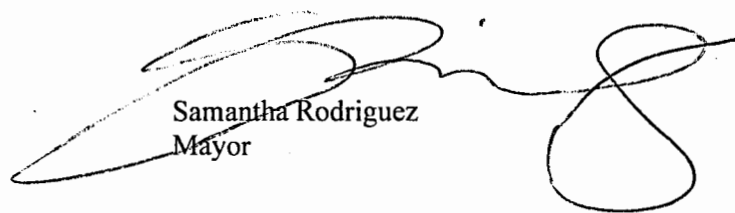
As city leaders in Sonoma County, we are well acquainted with the tribes aboriginal to this area. In fact, we have a close partnership with the Federated Indians of Graton Rancheria, whose reservation borders our municipal boundaries. Our understanding is that a tribe may only seek land into trust for gaming purposes pursuant to the Indian Gaming Regulatory Act's restored lands exemption when the tribe has demonstrated a "significant historical connection" to the project site. The Koi Nation is from the lower Clear Lake area of Lake County—not Sonoma County. In fact, it even called itself the Lower Lake Rancheria until 2013, around the time when it began seeking to establish a casino near the Bay Area, first by the Oakland Airport, then at Mare Island, and now in Sonoma County. If the Department finds a "significant historical connection" in this context, we fear what that will mean for future tribal gaming applications and the proliferation of gaming beyond the parameters prescribed by Congress.

We also have serious concerns with the project's environmental impacts and threats to public safety. The proposed casino site is within a residential neighborhood, across the street from a church, and near a pre-school, elementary school, and assisted living facility. This is clearly not an appropriate location for a gaming facility. Perhaps most worrisome is the acute danger to public safety during a wildfire incident. Clogged evacuation routes will result in delays and lost lives. Further, there may be downstream impacts for cities like Rohnert Park that are located further south along the U.S. Highway 101, a major evacuation route. The draft Environmental Assessment, released by the Bureau of Indian Affairs (BIA) on September 12, 2023, does not appear to adequately consider or mitigate these issues, and we urge the BIA to prepare a full Environmental Impact Statement if it is to proceed with this project.

To conclude, please listen to the concerns of the broad opposition to this project from within Sonoma County, including from all five federally recognized tribes in the County, the County Board of Supervisors, and the neighboring Town of Windsor.

Thank you for your consideration.

Sincerely,



Samantha Rodriguez
Mayor

CC: Councilmembers of the City of Rohnert Park

January 16, 2024

1002 '24 JAN 22 PM 1:58



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Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

RE: Statement of Opposition to the Koi Nation Shiloh Resort and Casino Project

Ms. Daniel-Davies, Mr. Garriott and Ms.Dutschke:

On behalf of Mayor Reynoza and the Town Council of the Town of Windsor, I am writing to express the Town's strong opposition to this project. While the Town Council supports the Koi Nation's intent to develop a base for economic development to ensure the Koi Nation's financial future, the proposed location for the project is not appropriate for such an endeavor.

As described in the Town of Windsor response comments submitted 11/13/23 (Attachment 1) to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project, there exists the potential for significant adverse and unmitigable impacts in almost every resource area analyzed by the EA. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Town residents have also expressed concerns in each of these areas. Those public comments are included with the Town's response. Although the property is not located in the Town of Windsor, because of the scale and scope of the proposed land use and the proximity to Town limits and our residential neighborhoods, the negative impacts associated with the project will certainly be felt in the Town proper.

In February 2022, the Sonoma County Board of Supervisors received letters of tribal resolutions from the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior accept the Project Site into trust for gaming purposes. This opposition is primarily due to the Koi Nation's lack of significant historical connection to the proposed project location.

On April 5, 2022, the Sonoma County Board of Supervisors unanimously voted to adopt a resolution opposing the establishment of a casino by the Koi Nation within the County, citing the same reasons given by the five Sonoma County based tribes. (Attachment 2)

On April 20, 2022, The Town Council of the Town of Windsor unanimously adopted a resolution in support of retaining the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road. (Attachment 3)

Element Three of The Town of Windsor Strategic Plan is **Livability** and states the intent to: "Preserve community character by maximizing the use of existing amenities and creating future opportunities that enhance quality of life for all." Development of the Koi Nation Resort and Casino Project at the current proposed location on East Shiloh Road will not enhance but will without question detract from the quality of life for every resident of the Town and County in proximity to the project.

In conjunction with the extensive comments and concerns about the project expressed by the Town in the response to the EA, I felt it would be helpful to provide you with additional context as to the proposed location.

The project site is located at the southeast corner of the intersection of Shiloh Road and Old Redwood Highway. The Town limits are immediately north of the project site, across Shiloh Road as shown on the attached map. (Attachment 4) Immediately across the street is a residential neighborhood of 79 single family homes. Ingress and egress of this neighborhood is limited to two street connections on Shiloh Road fronting the project site. Less than 100 yards to the west on Shiloh Road stands Esposti Community Park. The park includes two youth baseball diamonds and a competition sized soccer field. These are highly utilized Town amenities serving hundreds of children and families in the community daily, if not weekly. To the east of the location is Shiloh Ranch Regional Park, operated by the County of Sonoma. The 850-acre park includes oak woodlands, forests of mixed evergreens, ridges with sweeping views of the Santa Rosa plain, canyons, rolling hills, a shaded creek, and a pond. This park is heavily used by Town and County residents daily. Additionally, the properties to the west of the Project Site, across Old Redwood Highway are within the Town's sphere of influence and are almost entirely residential in-land use. The project site is primarily accessed by Shiloh Road and Old Redwood Highway, portions of which are located wholly within the Town of Windsor.

For the litany of reasons outlined in the Town's response to the EA, as well as those additionally expressed here regarding the location, the Town Council affirms their opposition to this project.

As the BIA and Department of Interior review the Koi Nation proposal, on behalf of the 26,000 residents of the Town of Windsor, I ask that these earnest concerns be taken into consideration and that a more suitable, alternative location be pursued by the Koi for their Resort and Casino project.

Respectfully,


Jon Davis
Town Manager



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Sam Salmon

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project
Town of Windsor Comments on Environmental Assessment
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to "Alternative A" which is identified as the Proposed Project.

Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, "when feasible" and "when practicable." Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.14), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETc requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.

11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detraction of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a Storm Drainage Master Plan where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that "these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway" and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the Generation Housing State of Housing in Sonoma County Report, 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. "Clean fuel fleet vehicles" should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
 - a. Provide temporary housing facilities on-site for the construction workers (2,196).
 - b. Provide permanent affordable housing on-site for casino workers (1,571).
 - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
 - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the Generation Housing State of Housing in Sonoma County Report, published in April 2023.

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:
- a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
 - b. Shiloh Road/Hembree Lane: Optimize signal timing.
 - c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
 - d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.
29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:
- a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. **Shiloh Road/US 101 North Off-Ramp:** The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would "trap" two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS's mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. **Shiloh Road/Old Redwood Highway Intersection:** In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. **Shiloh Road/Hembree Lane:** The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
 - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
 - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
 33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
 34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
 35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
 36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
 - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
 - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
 - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road

Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to "enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land." Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County's cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
 - a. Traffic, noise, accidents, DUI's, loud exhaust, and speeding.
 - b. Disturbing the peace/Public Intoxication
 - c. Trespassing
 - d. Property Crimes
 - e. Prostitution
 - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

Noise

50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

Hazardous Materials and Hazards

51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuation routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafflesheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafflesheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a "No-Notice Event" and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to "develop a project-specific evacuation plan" prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
 - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
 - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
 - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,



Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

From: BARBARA SACKETT <sackettbarbara@yahoo.com>
Sent: Thursday, January 27, 2022 9:52 AM
To: Town Council
Cc: Barbara Sackett
Subject: New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead, it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

From: [Mark Linder](#)
To: [Abbie Williams](#); [Town Council](#)
Subject: RE: How dare you
Date: Friday, February 4, 2022 10:10:19 AM

Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder
Interim Town Manager

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

From: Abbie Williams <abbie.earthinfofocus@gmail.com>
Sent: Friday, February 4, 2022 9:48 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams 1194 Eagle Dr., Windsor CA 95492.

Abbie Williams
415-531-7495

From: [Al Storms](#)
To: [Town Council](#)
Subject: No casino
Date: Monday, February 14, 2022 6:10:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shortly after its done

From: David C. Brayton <david.brayton@gmail.com>
Sent: Sunday, April 17, 2022 6:45:36 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton

From: Carrie Marvin <caretoride@yahoo.com>
Sent: Saturday, April 16, 2022 7:08:43 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsor would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino.

This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods.

Thank you.

Carrie, Jon and Theo Marvin

[REDACTED]

windsor

Sent from my iPhone

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Saturday, April 16, 2022 7:32:41 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton
[REDACTED]
Windsor, CA 95492

From: cd4ques@aim.com <cd4ques@aol.com>

Sent: Saturday, April 16, 2022 11:16:52 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

From: Katherine Schram <schram@sonic.net>
Sent: Sunday, April 17, 2022 5:58:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,
Katherine Schram

From: Linda McBride <linda.mcbride@icloud.com>
Sent: Sunday, April 17, 2022 7:54:55 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

From: Amy Hoover <amychoover@gmail.com>
Sent: Sunday, April 17, 2022 1:15:14 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover



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Sent from Gmail Mobile

From: jscoppedge@att.net <jscoppedge@att.net>

Sent: Sunday, April 17, 2022 3:55:10 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location--and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

-deaths—22; size—36,800 acres

-buildings destroyed—5,640

-size—36,800 acres

-mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

-size—77,800 acres

-buildings destroyed—374; 90,000 structures threatened

-mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

-deaths—6; -size—363,200 acres

-buildings destroyed—1,490

-mandatory evacuations; loss of power, water and gas

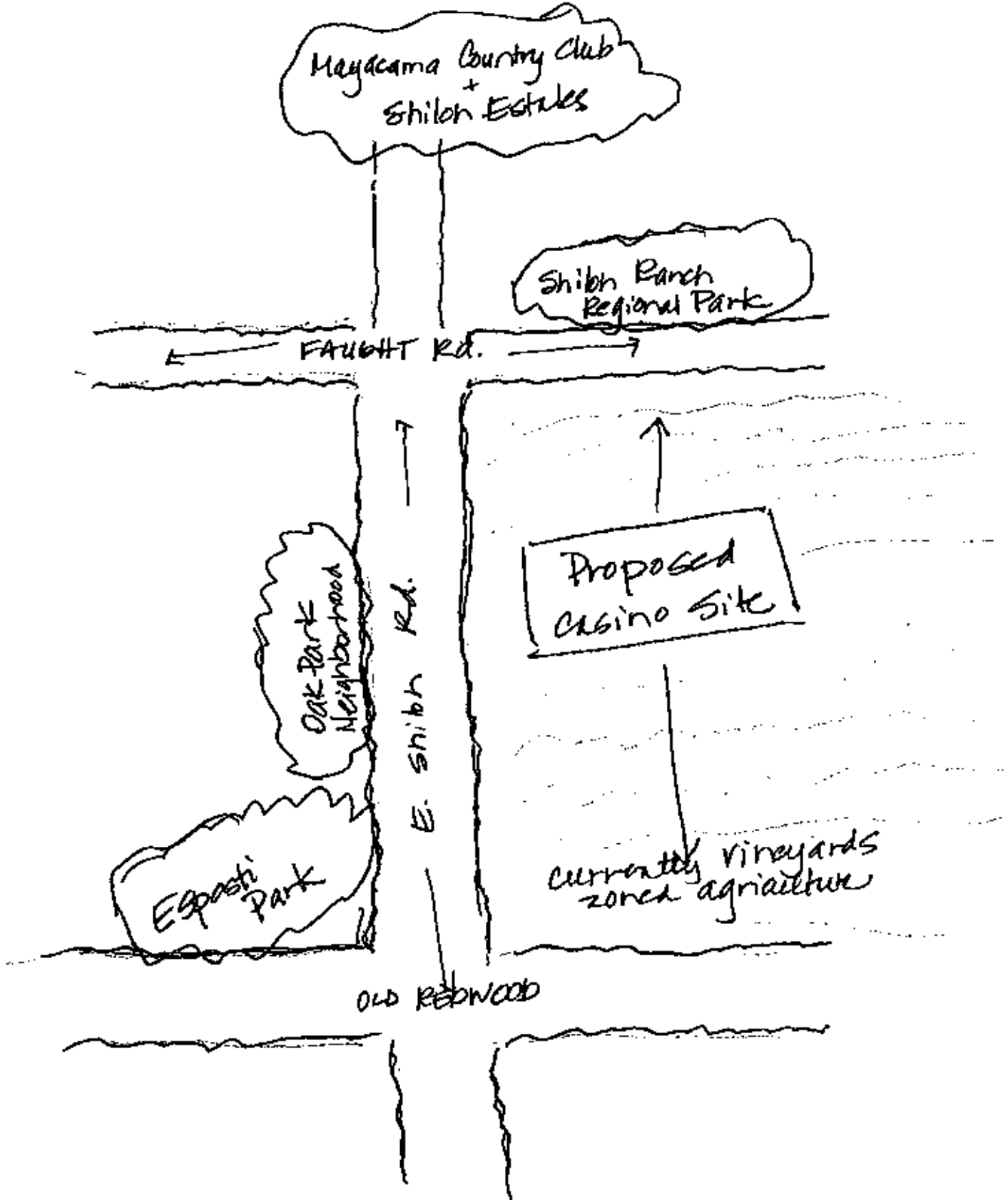
GLASS FIRE—2020

-size—67,500 acres

-buildings destroyed—1,555

-mandatory evacuations; loss of power, water and gas

Proposed Casino Site



From: Elizabeth Acosta [REDACTED]
Sent: Saturday, April 16, 2022 3:48:25 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: April 20, 2022, Town Council Agenda; item 12.4

Please redact our email address prior to publishing on the Town's website; please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta
Windsor Residents (D-4)

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

--

Be yourself, everyone else is taken.

From: Tayler Hockett <hocketttayler@yahoo.com>
Sent: Monday, April 18, 2022 11:09 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

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

From: Lynn Darst <backpackers_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
[REDACTED]

Sent from my I-Pad

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental Impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Department of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

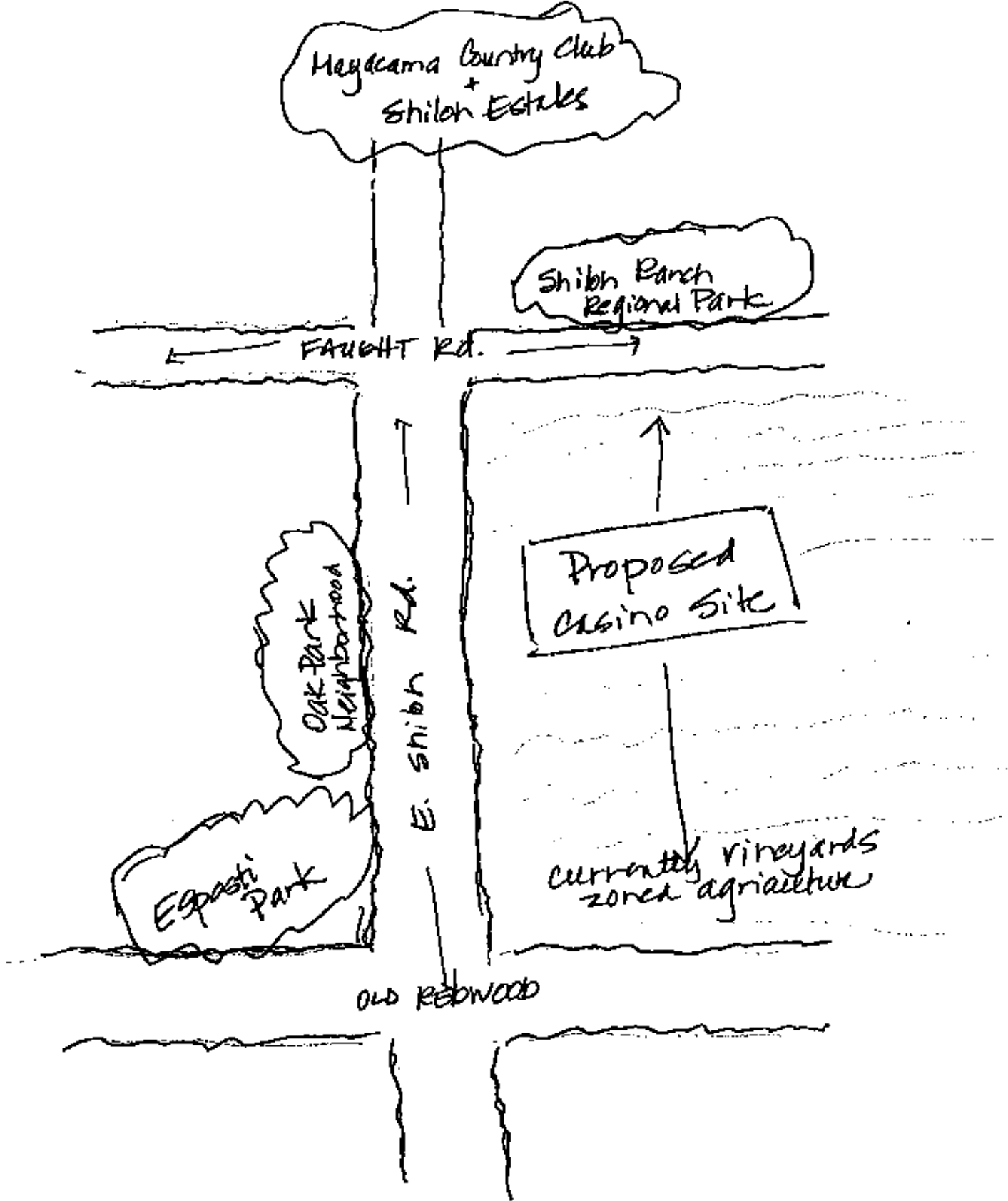
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, June 30, 2022 9:39 AM
To: Town Council; Mark Linder; Patrick Streeter
Cc: Irene Camacho-Werby
Subject: Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

From: Deanna Williamson <Deanna.Williamson@jfwmail.com>
Sent: Wednesday, June 7, 2023 11:52 AM
To: Town Council
Cc: icarus062@yahoo.com; D Williamson
Subject: No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807
deanna.williamson@jfwmail.com
www.JacksonFamilyWines.com



Irene Camacho-Werby

From: Mark Linder
Sent: Monday, February 28, 2022 1:32 PM
To: Nina Cote; Town Council
Subject: RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder
Interim Town Manager

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

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Monday, February 28, 2022 12:00 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Nina Cote <nina.cote@sbcglobal.net>
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote
Our Community Matters
707-293-4919
5828 Mathilde Drive
Nina.cote@sbcglobal.net
Ourcommunitymatters2@gmail.com

Irene Camacho-Werby

From: Lynn Darst <backpackers_darst@sprynet.com>
Sent: Monday, April 18, 2022 1:56 PM
To: Town Council
Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making -- certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council
Subject: Shiloh Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
224 Lea St, Windsor, CA 95492

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

From: Joan Chance <joanchance@comcast.net>
Sent: Tuesday, April 19, 2022 7:54 PM
To: Town Council
Subject: Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

Irene Camacho-Werby

From: suzibill <suzibill@sonic.net>
Sent: Tuesday, April 19, 2022 6:19 PM
To: Town Council
Subject: Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

From: Laurie <meanlaureen@gmail.com>
Sent: Wednesday, April 20, 2022 9:03 AM
To: Town Council
Subject: Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,

I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from Mail for Windows

Irene Camacho-Werby

From: Todd S <tlcl.sloan@gmail.com>
Sent: Wednesday, April 20, 2022 9:06 AM
To: Town Council
Subject: Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods. It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,

Todd Sloan

Sent from my iPad

Irene Camacho-Werby

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Wednesday, April 20, 2022 1:04 AM
To: Town Council
Subject: Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

**Sincerely, Nina Cote'
Windsor Resident**

Irene Camacho-Werby

From: carolmartin016@gmail.com
Sent: Wednesday, April 20, 2022 11:55 AM
To: Town Council
Subject: Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:
Chad Broussard @ BIA
Tribal Affairs, Sonoma County
Sn McGuire
City of Windsor Town Council

From: Bob and Nancy Jenkins
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino. The Board said in a statement that the Koi are a "non-Sonoma County tribe." The board said it came to the decision based on letters of opposition from five other Sonoma County tribes: **The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

Sonoma County doesn't need another casino. The planned casino would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Beverly Hong <bevhongwalsh@gmail.com>
Sent: Thursday, October 26, 2023 9:21 PM
To: singer@singersf.com
Cc: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh

70 Elle Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>
Sent: Sunday, October 9, 2022 10:13 AM
To: Town Council
Subject: Please Recind and Revise Proclamation
Attachments: OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council
9291 Old Redwood Highway #400
Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation.

Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project.

On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring "... Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

[Ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 8:33 PM
To: Kimberly Jordan
Cc: Irene Camacho-Werby
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

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Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,
The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.
Best Regards, Kim J

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 3:58 PM
To: Irene Camacho-Werby <iwerby@townofwindsor.com>
Cc: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this.

- 1.) Do you know the names of the business that will be operating under the apartments on Shiloh?
- 2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?
- 3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : (Distressing news.

Patty
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby
<iwerby@townofwindsor.com> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,
Irene

Town Clerk | Town of Windsor
Office (707) 838-5315
iwerby@townofwindsor.com
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

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

From: Kimberly Jordan <kjordan@townofwindsor.com>
Sent: Wednesday, November 17, 2021 1:19 PM
To: Patty Lundberg <p.lundberg@ymail.com>
Cc: Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

7349 Fax | Monday – Thursday 7am - 6pm www.townofwindsor.com

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit www.townofwindsor.com for more information.

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

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 12:38 PM
To: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: New construction in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

- 1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.
- 2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

Irene Camacho-Werby

From: Lisa Shatnawi <lisashatnawi@gmail.com>
Sent: Sunday, August 28, 2022 4:55 PM
To: Town Council
Subject: Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!
I just want to weigh in on the casino and asphalt plant possibilities.
No to both! Let's keep our little town small and a sanctuary for us residents!
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

From: walterbrusz@comcast.net
Sent: Wednesday, April 20, 2022 12:00 PM
To: Town Council
Subject: Attached public comment on Casino Resolution
Attachments: Windsor Town Council comment 042022.docx

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Please find attached my public comment.
Walter Bruszewski

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bla.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casno

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

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I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

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Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

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Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council
Cc: Mark Linder; Irene Camacho-Werby
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive
Windsor, California 95492

Telephone: (707) 293-4919
Email: ourcommunitymatters2@gmail.com

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

Paula Hart, Director
Office of Indian Gaming
U.S. Department of the Interior
1849 C Street, N.W.
MS-3543-MIB
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

Our Community Matters, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a "restored lands" determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the "Tribe"). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act ("IGRA").

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the "Shiloh Property"). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe's proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe's proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management's ("OIGM's") review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

I. The Tribe's Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA

A. IGRA's Legal and Regulatory Framework

Indian tribes may operate casinos only on "Indian lands" that are eligible for gaming under the IGRA. To be deemed "Indian lands" per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe's reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.¹

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary’s determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

Our Community Matters understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.² The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,³ the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.⁴ The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

¹ See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

² See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-county/>.

³ See *Koi Nation of N. California v. United States Dep’t of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), *amended sub nom. Koi Nation of N. California v. United States Dep’t of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and *appeal dismissed sub nom. Koi Nation of N. California v. United States Dep’t of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

⁴ See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), *aff’d* 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg. at 29,366.)

B. The Shiloh Property is Not the Tribe’s “Restored” Lands

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.⁵ Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.⁶ The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.⁷ While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

⁵ See <https://www.koinationsonoma.com/history/>.

⁶ See <https://www.koinationsonoma.com/history/>.

⁷ See https://windsor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164, at pages 10, et seq., and Attachment A.

tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection *to the land*.” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.⁸ In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.⁹

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”¹⁰ *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (see Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

⁸ See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

⁹ See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

¹⁰ See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,¹¹ which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

B. Lack of Sufficient Wildfire Evacuation Corridors

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

C. Lack of Hospitality Workers

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.¹²

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

¹¹ See <https://www.drought.gov/states/California/county/Sonoma>.

¹² See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”¹³ The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.¹⁴

Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

Our Community Matters urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,

Nina Cote
Steering Committee Chair
Our Community Matters

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

¹³ See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

¹⁴ See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

Attachment 1

Page 1 of 3

"This document was electronically submitted
to the County of Sonoma for recording."

2021100185

Official Records of Sonoma County
Deed-Partial Grant
March 2021 09:11 AM
FIDELITY NATIONAL TITLE | SONOMA TITLE | EFN
DEED 3 Pgs
Fee: \$10.00
County Tax: \$11,536.00



RECORDING REQUESTED BY:
Fidelity National Title Company

When Recorded Mail Document
and Tax Statement To:
SONOMA ROSE, LLC

Escrow Order No.: FSN01-7052000481CF
Property Address: 222 E. Shiloh Road,
Santa Rosa, CA 95403
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Exempt fee fee per GC 37204.1002; The document is a transfer that is subject to
Documentary Transfer Tax.

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 - The documentary transfer tax is \$11,536.00 and is computed on:
 - the full value of the interest or property conveyed.
 - the full value less the liens or encumbrances remaining thereon at the time of sale.
- The property is located in an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randall O. Clifton and Cynthia A. Clifton, Trustees of The Randall O. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property in the Unincorporated Area of the County of Sonoma, State of California:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
RCAM08 02.doc / Updated: 06/24/05

Form 99, 03/27/05 10:38 AM
CA-TITLE 2004/05 09/26/05 10:38 AM

GRANT DEED
(continued)

APN Parcel ID(s) 059-300-003-005

Dated September 1, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Randal C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

BY Randal C. Clifton
Randal C. Clifton, Trustee

BY Cynthia A. Clifton
Cynthia A. Clifton, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Contra Costa

On September 1, 2021 before me, Conrad Hernandez Notary Public,
(here insert name and title of the officer)

personally appeared Randal C. Clifton and Cynthia A. Clifton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/hers/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
[Signature]
Signature



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-369-003-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 8 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 18 and 20, thence East along the Northernly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.81 chains, more or less, to the Northeast corner of a tract of land conveyed by Eliza C. Mayo to Charles T. Mathison and Cynthia E. Mathison, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records; thence South 76° 15' West, along the Northernly boundary of said tract of land conveyed to said Mathison, 25.68 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwesterly along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 18 and 20; thence North along said section line, 1.82 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2005 as Instrument No. 2006132358, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



**Our Community Matters
P.O. Box 1421
Windsor, CA 95492**

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Esplnosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the Impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?

Mayor Salmon, this is NOT an opportunity to seek economic expansion at the expense of safety. This is NOT an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink, appearing to read "L. R. Darst". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams

[REDACTED]

Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

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Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M. McCarty
L.W. Harrison

Windsor, CA
Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

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As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>
Sent: Sunday, October 15, 2023 5:52:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Item number 12.2 town agenda


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Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

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Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

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Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.


The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche


Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

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I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincadee fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

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Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50' from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

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From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

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I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom
[REDACTED]
Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

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The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

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Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key Issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental. Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming Issues.**
- 3) **The existing Environmental Assessment completely ignores the number one Issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE. (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).**
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Kol Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

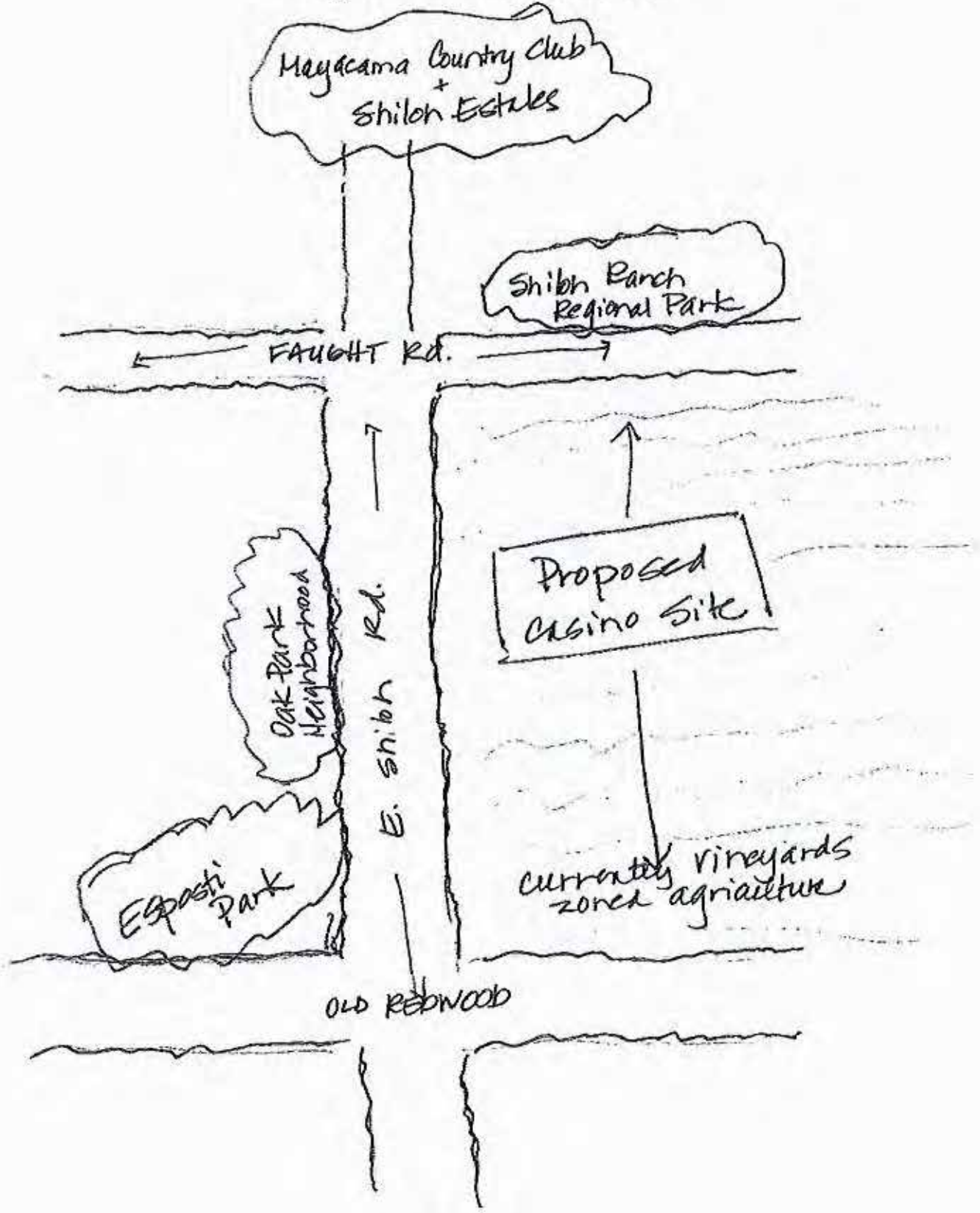


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>
Sent: Monday, October 16, 2023 5:06:49 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I do not want Shiloh Casino in my residential neighborhood

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I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged . Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

Windsor, CA 95492

phone

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthen by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a SIGNIFICANT ADVERSE IMPACT to the Town of Windsor. They have not proven that there is not significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be SIGNIFICANT ADVERSE IMPACT to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a SIGNIFICANT ADVERSE IMPACT to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

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October 17, 2023


Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George


October 16, 2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Kol Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

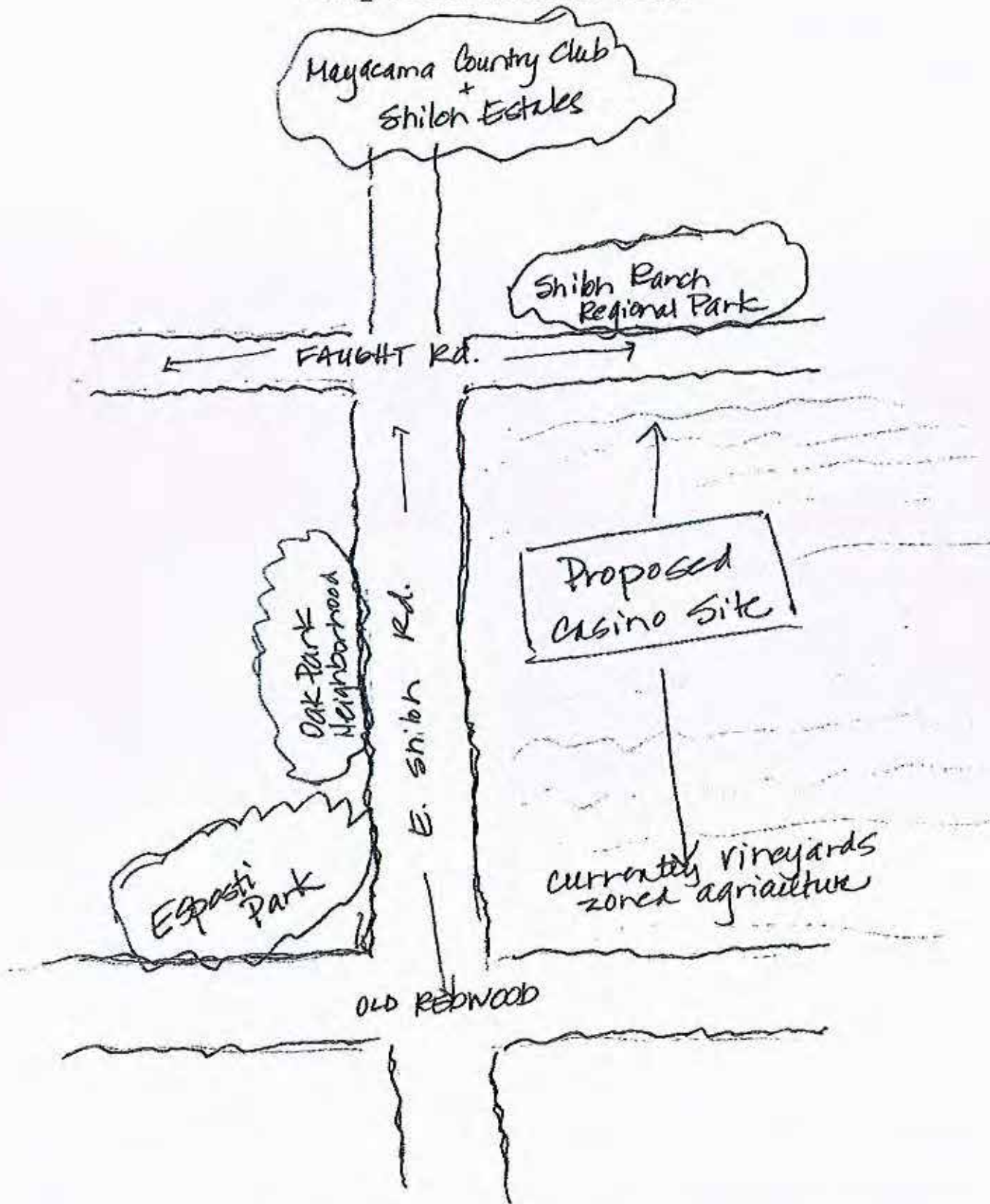


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site





County of Sonoma
State of California

Noelle Francis

Date: April 5, 2022

Item Number: 13

Resolution Number: 22-0121

4/5 Vote Required

**Resolution Of The Board Of Supervisors Of The County Of Sonoma, State Of California,
Opposing the Establishment of a Casino By The Koi Nation, a Non-Sonoma County Tribe,
Within the County**

Whereas, the Sonoma County Board of Supervisors has consistently opposed the establishment of Nevada-style casino gaming in Sonoma County;

Whereas, within the geographic boundaries of the County of Sonoma, lies the historic and ancestral territory of five federally recognized Southern and Southwestern Pomo tribes: the Cloverdale Rancheria of Pomo Indians; the Dry Creek Rancheria Band of Pomo Indians; the Federated Indians of the Graton Rancheria, the Kashia Band of Pomo Indians of the Stewarts Point Reservation; and the Lytton Rancheria Band of Pomo Indians;

Whereas, within the geographic boundaries of Lake County, lies the historic and ancestral territory of seven federally recognized Southeastern Pomo tribes: Elem Indian Colony; Habematolel Pomo of Upper Lake; Big Valley Band of Pomo Indians; Scotts Valley Band of Pomo Indians; Robinson Rancheria; Koi Nation of Northern California (Lower Lake Rancheria); and Middletown Rancheria of Pomo Indians of California;

Whereas, in the 1950s and 1960s the federal government passed a series of laws including the California Rancheria Termination Acts, which among other things ended the federal government's relationship with, recognition of, and benefits to numerous tribes in California, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, several tribes have been restored to federal recognition through legislation or litigation, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and most recently the Lower Lake Rancheria (Koi Nation) in Lake County;

Whereas, around 2005, after changing its name, the Koi Nation unsuccessfully sought to acquire a site for a Las Vegas-style casino outside of Lake County, near the Oakland International Airport; and in 2014 the Koi Nation unsuccessful sought to establish a reservation and casino on Mare Island in the City of Vallejo;

Whereas, in 2019, the United States District Court for the District of Columbia, issued a decision declaring that the Koi Nation, as a reaffirmed tribe, was an Indian tribe restored to federal recognition; see *The Koi Nation of Northern California v. United States Dept. of the Interior* (D.C. Dist. Ct, Jan. 2019) 361 F. Supp. 3d 14;

Whereas, in September 2021, the Koi Nation, through its LLC, Sonoma Rose, purchased a ± 68.60 acre parcel (Subject Land), located at 222 E. Shiloh Road, on the southeast corner of the intersection of Shiloh Road and Old Redwood Highway, in the unincorporated area of the County;

Whereas, Shiloh Ranch Regional Park is to the east, residential development is north and south, the Town of Windsor is to the north and northwest, and the Sonoma County Airport is to the southwest of the Subject Land which is largely agricultural;

Whereas, in September 2021, the Koi Nation submitted an application to the federal government requesting that the United States Department of the Interior accept the Subject Land into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations;

Whereas, Federal law requires that a tribe restored to federal recognition have a "significant historical connection" to the land on which it proposes to game, 25 C.F.R. 292.12(b);

Whereas, the Koi Nation intends to operate its own gaming facility on the Subject Lands

to the exclusion of Sonoma County tribes;

Whereas, the Board of Supervisors strongly opposes tribes from outside Sonoma County attempting to use their tribal status to place lands within the County in trust and/or to otherwise establish gaming operations within the County;

Whereas, the Board of Supervisors strongly opposes tribes that do not have a clear significant historical connection to a specific property, or do not have authority to exercise jurisdiction in Sonoma County, from taking such property into trust or using such trust property for gaming purposes;

Whereas, the Board of Supervisors continues to encourage Sonoma County tribes to establish boundaries to assist in the determination of trust applications and other tribal issues;

Whereas, the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land;

Whereas, gaming projects have significant environmental impacts and other effects on a community, particularly in an area that is predominantly agricultural and residential; and the County's infrastructure may not be able to adequately accommodate the proposed facility and its accompanying traffic, water, wastewater or other impacts;

Whereas, the Board of Supervisors respects tribal sovereignty and takes seriously its government-to-government relationship with tribes, and has worked in good faith with Sonoma County tribes towards a variety of shared goals, including the mitigation of off-reservation impacts stemming from on-reservation development;

Whereas, the Board of Supervisors supports and joins with Sonoma County tribes in opposing the Koi Nation's efforts at obtaining trust lands and establishing a resort

casino in Sonoma County; and

Whereas, allowing a tribe without a significant historical connection to the Subject Land, the area in the vicinity of the Subject Land, or the County of Sonoma generally, sets a significant negative regional precedent:

Now, Therefore, Be It Resolved, that the Board of Supervisors opposes any tribe attempting to establish trust property, exercise jurisdiction, or establish a gaming facility within the historical territory of other tribes without those tribes' explicit permission and partnership and supports an interpretation by the Governor of California, National Indian Gaming Commission, Bureau of Indian Affairs, and Department of the Interior of existing compacts and federal law to that effect; and

Be It Further Resolved, that the Board of Supervisors opposes efforts by any tribe to take land into trust or operate a casino unless it can demonstrate, to the satisfaction of the County of Sonoma, the State of California, and the Department of the Interior, compelling and significant historical ties to the specific designated property at issue and the right to exercise jurisdiction over that land.

Supervisors:

Gorin: Aye

Rabbitt: Aye

Coursey: Aye

Hopkins: Aye

Gore: Aye

Ayes: 5

Noes: 0

Absent: 0

Abstain: 0

So Ordered.

RESOLUTION NO. 3743-22

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF WINDSOR
IN SUPPORT OF RETAINING THE EXISTING SONOMA COUNTY GENERAL PLAN
LAND USE DESIGNATION OF LAND INTENSIVE AGRICULTURE FOR THE
PROPERTY LOCATED AT 222 E. SHILOH ROAD, ALSO IDENTIFIED AS
ASSESSOR'S PARCEL NUMBER 059-300-003**

WHEREAS, in September 2021, an application was submitted by a federally recognized tribe, the Koi Nation (formerly Lower Lake Rancheria), to the federal government requesting that the United States Department of the Interior accept a 68-acre parcel in unincorporated Sonoma County located at 222 E. Shiloh Road (Project Site) into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations; and

WHEREAS, while the Project Site is not within the Town of Windsor, the Town boundary is immediately adjacent to the north, the property to the west is within the Town's sphere of influence, and the Project Site is primarily accessed by Shiloh Road and Old Redwood Highway, portions of which are located wholly within the Town of Windsor; and

WHEREAS, the Sonoma County General Plan land use designation for the Project Site is Land Intensive Agriculture, the purpose of which is "to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land"; and

WHEREAS, the Project Site is within the Windsor/Larkfield/Santa Rosa Community Separator, the purpose of which is to maintain a greenbelt between the more densely developed areas of Sonoma County; and

WHEREAS, properties adjacent to the Project Site have been designated for Very Low Density Residential and Boulevard Mixed Use land uses in the Town of Windsor General Plan; and

WHEREAS, the Project Site is at the eastern boundary of the Shiloh Road Vision Plan, which envisions development of the corridor in such a way as to promote walking and biking; and

WHEREAS, the planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture; and

WHEREAS, in February 2022, the County of Sonoma Board of Supervisors received letters or tribal resolutions from the five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Project Site into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Project Site; and

WHEREAS, on April 5, 2022, the Board of Supervisors of the County of Sonoma unanimously voted to adopt a resolution opposing the establishment of a casino by the Koi Nation within the County.

NOW, THEREFORE BE IT RESOLVED that the Town Council of the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and

BE IT FURTHER RESOLVED that we, the Town Council of the Town of Windsor, support the Board of Supervisors of the County of Sonoma in opposing the establishment of a casino on the project site.

PASSED, APPROVED, AND ADOPTED this 20th day of April 2022, by the following vote:

AYES: COUNCILMEMBERS FUDGE, REYNOZA, VICE MAYOR LEMUS
AND MAYOR SALMON
NOES: NONE
ABSTAIN: NONE
ABSENT: NONE



SAM SALMON, MAYOR

ATTEST:



IRENE CAMACHO-WERBY, TOWN CLERK

Attachment 4 - Project Vicinity Map



From: Verne Ball <Verne.Ball@sonoma-county.org>

Sent: Friday, April 5, 2024 1:59 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] NOI Comments, Koi Nation Fee- to-Trust and Casino Project'

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Attached please find the County of Sonoma's scoping comments on the Environmental Impacts Statement for the Koi Nation casino project. A hard copy will follow in the U.S. Mail. We would request confirmation of receipt.

Best regards,

Verne Ball
Office of Sonoma County Counsel
575 Administration Drive, Rm. 105A
Santa Rosa, CA 95403
(707) 565-2495

...

[Message clipped] [View entire message](#)

One attachment • Scanned by Gmail



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MICHAEL KING
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DIANA GOMEZ
ALDO MERCADO
SITA KUTEIRA
JEREMY FONSECA
LUKE BOWMAN
MATTHEW LILLIGREN
MAILE DUNLAP
KRISTIN HORRELL
IVAN JIMENEZ
SHARMALEE RAJAKUMARAN
NATHANIEL RAFF
ETHAN PAWSON
JOSEPH ZAPATA
ALEXANDRA APODACA
DAVID LUSBY

April 5, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, California 95825

RE: NOI Comments, Koi Nation Fee- to-Trust and Casino Project

VIA U.S. MAIL AND EMAIL

Dear Regional Director Dutschke:

The County appreciates the opportunity to comment on the scoping of the Environmental Impact Statement for the Koi Nation's Proposed Shiloh Resort and Casino Project. The County previously submitted comments on the Environmental Assessment that are relevant to scoping. These comments are attached to this letter for your convenience.

In addition, Congress recently amended the National Environmental Policy Act (NEPA) to explicitly codify the following requirements for Environmental Impact Statements:

- (D) ensure the professional integrity, including scientific integrity, of the discussion and analysis in an environmental document;
 - (E) make use of reliable data and resources in carrying out [NEPA];
 - (F) consistent with the provisions of [NEPA], study, develop, and describe technically and economically feasible alternatives;
- (42 U.S.C. § 4332.)

Consistent with these recent amendments, the County requests that the Bureau implement independent peer review for any work that is produced by consultants who are under contract with the applicant. The County further requests that this peer review process be transparently discussed in the Environmental Impact Statement.

The County also requests that alternatives, including alternatives to the proposed location for the project, be "developed" at a level of detail that provides the Bureau with useful information and realistic options.

Finally, the County requests that the Bureau discuss its own role in ensuring mitigation measures are not illusory, and if the Bureau envisions reliance on mitigation measures that involve agreements, actions, and/or cooperation with non-tribal parties, how this would work both legally and practically.

Sincerely yours,



Verne Ball

cc: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs,
chad.broussard@bia.gov

Attachment





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Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
Chad.broussard@bia.gov

RE: EA Comments, Koi Nation Shiloh Resort and Casino

November 13, 2023

Dear Ms. Dutschke and Mr. Broussard:

On behalf of the County of Sonoma, thank you for considering these comments on the Environmental Assessment (EA) prepared for the Koi Nation's proposed fee-to-trust application for its Shiloh Resort and Casino Project. The County is mindful of the Bureau of Indian Affairs' (Bureau) roles in reviewing and deciding on the application made by the Koi Nation and its role as a trustee for lands already held in trust for tribes in Sonoma County. The County is respectful of tribal sovereignty and understands the need for tribal self-determination and economic development to provide for tribal members. At the same time, Sonoma County objects to any attempt on the part of the federal government to take the present 68 acres of land located east of the Town of Windsor into trust for the benefit of the tribe for gaming in a manner that violates federal law.

Given the significant impacts of the project, and the controlling law that requires an Environmental Impact Statement (EIS) on these facts, the County of Sonoma respectfully urges the Bureau to forego any attempt to use this document to support a Finding of No Significant Impact (FONSI). This is not supportable. The County of Sonoma objects to the inadequate analysis and mitigation in the EA, and the failure of the Bureau to take a "hard look" at the environmental consequences of this proposal, as required by the National Environmental Policy Act (NEPA).

The Bureau should stop, think, and prepare the EIS that NEPA requires.

I. The EA contains inadequate analysis of the significant impacts of the project and an EIS must be prepared.

The Bureau has prepared a complete EIS for other very similar casino projects within Sonoma County, as well as elsewhere in California. By way of example, in Sonoma County, the Cloverdale Rancheria Band of Pomo Indians' fee-to-trust application sought 69.77 acres of land in trust for gaming about 25 miles north of the subject site. An EIS was prepared for the Cloverdale project.¹ The Bureau's action on the Cloverdale site was for a resort casino and hotel, including a tribal government building and 3,400 parking spaces, for a total non-parking square footage of 595,600 square feet. By way of comparison, the Koi Nation's project is for a similar project without a government building, and totals 807,067 square feet for non-parking coverage, and 5,119 parking spaces in addition (1,689,380 square feet in addition). For a similarly sized proposed land area, the Koi casino square footage is 135.5% of that proposed by Cloverdale, its hotel rooms are 164% of that proposed by Cloverdale, and the number of parking spaces is 150.5% of that proposed by Cloverdale. Even if the current project were to be reduced in size to what Cloverdale proposed, common sense would dictate an EIA. While an EA may be appropriate for some projects, the Koi Nation's destination casino project is not one of them.

The EA concedes that the project will have numerous significant impacts, but then backs away from the obviously required significance findings based on regulatory requirements that do not exist, inadequate baseline information to inform analysis, inadequate environmental analysis of direct and indirect impacts, inadequate analysis of cumulative impacts, inadequate and unenforceable mitigation requirements, the strategic mischaracterization of mitigation as "part of the project" to avoid accountability, vague and unenforceable project assumptions, and in many cases, a refusal to implement all the recommendations of the consultants that the EA itself relies upon.

The decision not to prepare an EIS for this project reflects a conscious refusal to take a hard look at the impacts of the project and indicates that NEPA review is improperly being used to paper over a decision that has already been made.

II. The EA is affirmatively misleading with respect to the "regulatory setting," contains no discussion of mitigation efficacy, and no evidence that key mitigation will be effective.

The EA is filled with references to California state law and State and local regulatory standards. State law is discussed in most of the "Regulatory Setting" sections of the impact discussions, and also in Appendix E. However, the project may only be

¹ <http://www.cloverdalerancheria.com/eis/deis.htm>

built if the land is in trust and hence not within the civil regulatory jurisdiction of the State of California or County of Sonoma. Each reference is misleading because the referenced State legal requirements and local regulatory requirements do not apply to the project. The EA avoids providing a description and discussion of the actual regulatory setting (and associated issues with mitigation implementation that this setting presents). Tribal sovereign immunity is not mentioned in the EA, much less in the context of mitigation measures.

There is no discussion of what mechanism will be available or used by the Bureau as the decisionmaker on the Koi Nation's fee to trust application to impose enforceable mitigation on the Tribe. It is one thing to discuss how environmental impacts are addressed by existing, enforceable requirements, but it is quite another to pretend that impacts are addressed by background regulations that do not exist.

In places, the EA's impressionistic discussion of State law and tribal requirements is about as far from a "hard look" as one can get. Section 2.1.9 states:

The proposed facilities would conform to applicable tribal building code requirements, which would be generally consistent with the CBC and California Public Safety Code, including building, electrical, energy, mechanical, plumbing, fire protection, and safety. An indoor sprinkler system would be installed to provide fire protection.

There is no indication that the Tribe currently has tribal building codes with "applicable" requirements, but if they existed, they would apparently only be "generally" consistent with the "California Public Safety Code" – a California statute that does not exist. The analysis appears to be based on an imaginary code that is based on an imaginary code. If there are tribal codes that apply, their text should be provided in the NEPA process such that their adequacy can be commented upon and evaluated.

It is also clear on the face of the EA that cited regulatory standards are being ignored. As noted by West Yost (Exhibit A), a great deal of emphasis is placed on compliance with Title 22 of the California Code of Regulations in the EA's discussion of recycled water (EA, Appendix B, 2-16, 4-2 and 4-3), but the whole dual plumbing design (using non-potable water within a building with food facilities, 22 Cal. Code Regs. § 60313), squarely violates Title 22.²

² Assuming compliance with Title 22 and non-compliance at the same time makes the EA fundamentally unclear. A project that complies with Title 22 would require a different water balance analysis than is found in the EA.

Compounding the problem is the fact that the EA discusses critical mitigation measures as “Best Management Practices” (Table 2.1-3) raising the issue of whether these purported “practices” will actually occur absent monitoring and enforcement. The Bureau’s own NEPA guidance (59 IAM 3-H) is clear that mitigation measures must be enforceable to justify a FONSI. Simultaneously, the Bureau’s analysis in the EA is clear that compliance with Table 2.1-3 is critical to the impact conclusions in the EA. The analysis returns to Table 2.1-3 for these conclusions repeatedly. There must, at a minimum, be a mitigation measure that requires compliance with Table 2.1-3 or, alternatively an explanation of how these critical requirements (which are not at all part of background legal requirements for the project) will be monitored and enforced. The entirety of Table 2.1-3 must be rewritten to allow the evaluation of the efficacy of the mitigation and remove the escape clauses – by way of example, “[e]xhaust stack and vents will be positioned to limit odor exposure to sensitive receptors *to the extent feasible*.” Characterizing critical “mitigation” as “practices” to avoid environmental accountability hides the ball in terms of impact analysis and subverts NEPA’s basic purpose.

The failure to discuss the actual “regulatory setting,” and the related failure to discuss why the “practices” and “measures” will be effective within that regulatory setting, is a fatal omission for NEPA compliance. The EA fails to provide the “reasonably complete discussion of possible mitigation measures” that is necessary to facilitate the “action forcing’ function of NEPA.” *Robertson v. Methow Valley Citizens Council*, 490 U.S. 332, 352 (1989); *S. Fork Band Council of W. Shoshone v. United States DOI*, 588 F.3d 718, 727 (9th Cir. 2009). Credible information on the efficacy of “practices” or “measures” must be provided, and enforcement and monitoring must be implemented. Where “measures” or “practices” are illusory, they cannot legally provide the basis for a FONSI.

III. The EA’s discussion of groundwater and water quality impacts is inaccurate and utterly inadequate.

The EA assumes that Pacific salmonids are not present in Pruitt Creek, stating “[l]isted Pacific salmonids are assumed to be absent from Pruitt Creek based on observations from the February 23, 2022, site assessment coupled with background research and lack of historic occurrences. The potential for Pacific salmonids to occur and use habitat in this far east portion of the Russian River Basin is temporally and physically limited.” In reality, federally listed steelhead, *Oncorhynchus mykiss*, 79 Fed. Reg. 20802, 20807 (2014), are known to exist in Pruitt Creek, and the attached memorandum by Jeff Church, a Sonoma County Water Agency biologist, documents observations both upstream and downstream from the project location. (Exhibit B.) Steelhead use this location, and the location is designated critical habitat. 70 Fed. Reg. 52488 (2005).

It is true that the reach of Pruitt Creek at the project site is intermittent, but the Bureau reaches the exact wrong conclusion based on this fact. The Bureau should recognize that this fish habitat is exceedingly sensitive to dewatering and pollution impacts, rather than justifying a truncated investigation based on an incorrect assumption that federally listed fish species are not present. As discussed by West Yost (Exhibit A), dewatering impacts need to be evaluated based on an evaluation of the baseline conditions that is sufficient to inform the impact analysis, and the EA makes conclusions that are entirely unwarranted based on the evidence. The Bureau may not rely on its own lack of investigation into hydrologic conditions to justify discounting environmental impacts. *S. Fork Band Council of W. Shoshone*, 588 F.3d at 727. The current cursory investigation and analysis is not adequate to determine that the project will not adversely modify critical habitat³ and result in significant impacts to salmonids. The project may well result in both significant impacts and violations of section 9 of the Endangered Species Act.

Further, the actual local flows in Pruitt Creek need to be evaluated to understand the baseline conditions; the EA's chosen proxy site 5.5 miles away on a different creek is not representative. (Exhibits A, C.) In addition, the analysis must include future projections given the changing climate. There is no evidence that the proposed wastewater discharge solution is feasible given actual streamflows, meaning that the EA's analysis of what will actually occur is dubious at very best. Robert Pennington, a Professional Geologist with the County of Sonoma, explains:

During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species. [¶] The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge #11466800 has a contributing watershed area of 251 square miles. The

³ The Bureau cannot take the position that taking this land into trust removes the protections of critical habitat under the applicable designation (70 Fed. Reg. 52488), because the habitat benefits from the existing designation.

contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. (Exhibit C)

Inadequate storage will lead to environmentally harmful discharges, and there is no enforceable mitigation that requires compliance with all aspects Title 22 in California Code of Regulations, and there is no mitigation that addresses the related issues addressed by California's recently adopted Recycled Water Policy.⁴ The study on which the EA is based admits that "contingency plans should be developed for low flow conditions" (EA, Appendix C, 2-21), but these have not been developed, disclosed, and analyzed. Similarly, crucial components of the recycled water system have not been disclosed, including a feasible plan to expand it. Absent trucking out of wastewater, which has significant impacts that are unanalyzed, it is foreseeable that the project will be forced to discharge recycled water at rates far above the agronomic rate of uptake for the recycled water discharge locations, leading to discharges to groundwater, and in turn, potential plant death that further exacerbates groundwater discharges.

Mitigation is necessary to avoid groundwater and surface water contamination, and a hand wave about Clean Water Act compliance is insufficient to excuse substantive analysis given emerging contaminants and the foreseeability of discharges to both groundwater and surface water. An inadequate initial design will lead to "upsets" and "bypasses," and claims that these harmful discharges are permitted. (40 CFR § 122.41(m) and (n).) In addition to nutrients, contaminants of concern that will exist in discharges to groundwater and stormwater include pharmaceuticals and related hormones, metals, microplastics, and PFAS. These contaminants will also be present in the project's biosolids.⁵ In the stormwater context, given the automobile-centric nature of the project, the Bureau also must evaluate emerging contaminants like 6PPD from tires, as these chemicals have recently been identified as a major driver in

⁴ State Water Resources Control Board, Water Quality Control Policy for Recycled Water, (2019)

https://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/2018/121118_7_final_amendment_oal.pdf.

⁵ Pozzebon, E.A., Seifert, L. Emerging environmental health risks associated with the land application of biosolids: a scoping review. *Environ Health* 22, 57 (2023).

<https://doi.org/10.1186/s12940-023-01008-4>.

salmonid extinction.⁶ The required good faith analysis must be based on the fact that the project is proximate to salmonid habitat, not on convenient but incorrect factual assumptions to the contrary.

Additionally, the Bureau must evaluate the cumulative impacts of the planned groundwater pumping in light of the other existing and readily foreseeable wells in the immediate area, and also evaluate the cumulative impacts of extraction on the larger groundwater basin. The Bureau has not done so. The project would pump groundwater from the Santa Rosa Plain groundwater subbasin – a basin that requires special planning under California’s Sustainable Groundwater Management Act (SGMA) to avoid adverse impacts. The groundwater in this basin is relied on for rural residential, agricultural, and municipal water supply. The EA fails to recognize – let alone analyze the impacts on – groundwater conditions and uses, and the EA lacks any analysis of long-term groundwater impacts. Mitigation measures are necessary to address groundwater impacts, and these are simply missing.

The current EA raises many more questions than it answers about whether and how the significant impacts of the project can feasibly be addressed. The current discussion only serves to document that they are not addressed. The EA cannot be used to support a FONSI for water quality and groundwater impacts. The groundwater “monitoring” mitigation measure merely documents that crucial information is missing from the EA that should have already been developed. The proposed “compensation” mitigation measure for groundwater depletion is not remotely adequate, and violates 40 CFR § 1508.20. The purported mitigation does not substitute for the environmental impacts that the EA ignores, and the EA similarly ignores the significant impacts of the mitigation itself.

In short, the EA is grossly deficient with respect to groundwater and water quality impacts.

IV. The EA fails to provide adequate analysis and mitigation for reasonably foreseeable impacts to law enforcement services.

The EA includes an analysis of Social Effects (e.g., gambling addiction, crime, drunk driving). Appendix B provides additional information on crime. The EA notes that increasing crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically, and concludes that the development, due

⁶ John Ramos, “Tire additive could push California salmon to extinction, study says,” CBS Bay Area, August 23, 2023, <https://www.cbsnews.com/sanfrancisco/news/tire-additive-could-push-california-salmon-to-extinction-study-says/>; Tian et al., “A ubiquitous tire rubber–derived chemical induces acute mortality in coho salmon,” *Science* 371, 185–189 (2021).

to its large gatherings of people, may result in increased calls to law enforcement. The EA then claims that “the addition of the Proposed Project is not expected to lead to a material increase in crime rates in the area.” The EA concludes the proposal would increase total calls for service by 2.2% and increase total arrests by 1.4% (1,433 calls and 33 arrests).

This discussion is misleading. Contrary to the conclusions of the EA, the causal link to crime from casinos is clear, and there is no evidence that the project would not require additional law enforcement facilities. In 2012, before the opening of the Graton Casino, the area surrounding that location (288 Golf Course Drive) was very similar to the proposed project area, and it generated two calls for service. (In the calendar year 2022, the area surrounding the proposed site generated one call for service.) However, upon the opening of Graton Casino in 2013, the location generated 1,757 calls for service, an increase of 1,755 calls. Last fiscal year (22/23), Graton Casino generated 529 of the 6,680 calls for service in Sheriff’s Office Zone 5 (a very large Patrol Zone that includes the unincorporated areas surrounding Petaluma, Rohnert Park, and Cotati, stretching from the northern city limits of Rohnert Park to the Sonoma/Marin County border). The calls for service included, but were not limited to, assaults, trespassing, multiple types of theft, stolen vehicles, public intoxication, and drug activity. The decline from opening to fiscal year 22/23 in the case of the Graton Casino is not necessarily good news, as deputies are no longer specifically assigned to the casino and some crime previously reported by the assigned deputies themselves is possibly going unreported.

The proposed mitigation measure (EA, 4-7) to make “good faith efforts” to enter into a service agreement is inadequate, and provides no information regarding the contents of the agreement. The EA’s attempt to discount the impacts is discouraging. The requirement that the proposed agreement be based on “quantifiable direct and indirect costs” does not adequately mitigate the impact (1) without a description of how those costs will be determined and (2) without an enforcement mechanism, which together would demonstrate that the mitigation is not illusory.

V. The EA fails to provide adequate analysis and mitigation for foreseeable environmental impacts that will result from the economic impact of this casino.

The EA concludes that the project would not result in significant impacts due to the economic effects of the project. This conclusion is unsupported by the facts and evidence. The socio-economic report (EA, Appendix B) concludes that existing Sonoma County casinos would experience a possible business loss of 11% and 24% but concedes that none of the estimates hold any water if other casinos (such as the approved Cloverdale casino) are constructed. Completely elided from the EA is a discussion of the foreseeable *environmental* impacts of very foreseeable business

failures that may well occur as a result of this approval. These impacts bear on both the Bureau's NEPA and the Bureau's federal trust obligations.

The Global Market Advisors impact study (Appendix B) estimates that 95% of the proposed project's estimated revenues (\$473 million) will be diverted from existing local casinos (\$449.4 million). Appendix B then dilutes this local impact by saying this is only 13.7% of a much larger, non-local gaming market. However, the analysis concedes that the existing Dry Creek Rancheria's River Rock casino will face no less than a 24.4% decline in revenue, and Global Market Advisors further concedes that this is not a conservative assumption given the fact that other casinos could also be constructed. No analysis is provided of the economic effects if this assumption is incorrect.

The over-saturation of the gaming market has physical impacts on the environment and on other tribes. The introduction of this casino to the local casino market would not only negatively impact existing gaming casinos in the area but would likely cause the total closure of more remote facilities like the Dry Creek Rancheria's River Rock casino. The Bureau stands to be the proximate cause of this closure, and the proposed action is contrary to the federal government's trust responsibilities. It is entirely foreseeable that the Bureau's proposed action will result in a closure.

The EA fails to evaluate these readily foreseeable impacts. The economic context for the Dry Creek Rancheria Band's River Rock Casino, and other tribal casinos in the area, is particularly precarious given the opening of the Graton Casino in 2013. In 2014, the Dry Creek Rancheria Band defaulted on millions in bonded indebtedness (\$150 million) to its casino investors, and in contractual obligations (\$50 million) to the County of Sonoma pursuant to an enforceable intergovernmental mitigation agreement. (Exhibit D.) The Graton Casino broke ground on a \$1 billion expansion this year.

The EA is incomplete without a factual analysis of the continued economic viability of the proximate competitors, and an analysis of environmental impacts associated with closures of existing tribal casinos and resultant blight, deterioration, and loss of function of tribal infrastructure and services. The Bureau should conduct a good faith analysis of the economic and environmental consequences of its action, and stress test the assumptions based on all the facts that are relevant to the local context. This includes, but is not limited to, economic uncertainties and the effects of natural disasters on the gaming market.

In a context of foreseeable failures, perhaps most troubling in Global Market Advisors' analysis is the analogy to "gravity" (notably, without any disclosure of the actual math), as it strongly suggests a dynamic where the Bureau's fiduciary solution to failing casinos may be the expansion of larger and larger casinos to attract more visitors from greater distances. The Bureau must evaluate not only the foreseeable impacts of casino failures, but the growth inducing response to those failures that naturally will follow.

The current analysis of the economic and environmental consequences of the proposal is wholly inadequate for purposes of NEPA and raises serious questions about how the Bureau, as trustee, exercises its responsibilities when holding existing lands in trust for the benefit of distinct tribes, when presented with a proposed fee-to-trust application for another tribe.

VI. The EA's discussion of the project's significant greenhouse gas emissions and Vehicle Miles Travelled is inaccurate and incoherent, and the significant greenhouse gas impacts of the project are not mitigated.

The estimated greenhouse emissions from this project are extremely high, especially for this type of project. They are, disturbingly, much higher than they need to be. The estimates of operational emissions for Alternatives A, B, and C are respectively 69,862, 55,932, and 7,100 annual metric tons of CO₂ equivalent (MTCO₂E). (EA 3-138.) The Bay Area Air Quality Management District's (BAAQMD's) former significance threshold based on California's science-based emissions targets for 2020 was 1,100 MTCO₂E. California's targets have been reduced. A straight-line reduction of the former threshold based on current science-based targets for 2030 in California results in a 40% reduction, or 660 MTCO₂E.⁷ Likewise, the EA discloses extraordinarily high social costs related to the greenhouse gas emissions for this project: \$129,479,003 for Alternative A, \$103,352,963 for Alternative B, and \$13,374,218 for Alternative C. (EA 3-139.) These social costs alone indicate that the project's greenhouse gas impacts are significant. But rather than mitigating the very significant greenhouse gas emissions of the project, or finding that they are significant in a good faith analysis in an EIS, the EA attempts to hide the ball and assert that the project is compliant with BAAQMD's recently revised guidance. (EA, 3-140.) It is not.

In 2022, BAAQMD revised its threshold to be based on the absence of the build out of any new natural gas infrastructure, and on a 15% reduction in vehicle miles travelled (VMT) below the regional average per capita. (Exhibit E.) The EA purports to rely on this threshold. The threshold is an aggressive ratcheting down of the prior threshold based on the severity of the climate crisis. The goal of the threshold is to evaluate the design elements that are necessary to facilitate achieving *complete carbon neutrality* in California by 2045. (Exhibit E.) The natural gas component is based on the

⁷ Under Health and Safety Code section 38566, SB 32 (2016), California's emissions reduction mandate for 2030 is 40% below its prior goal for 2020. Thus, many agencies have used 660 MTCO₂E as an extrapolation of BAAQMD's 2020 threshold for this type of project (1,100 MTCO₂E), as BAAQMD's threshold was based on California's 2020 targets. The alternatives in the EA are 105 times, 65 times, and 10 times this significance threshold.

judgment that global climate goals cannot be met with the expansion of natural gas infrastructure, given the need for major emissions reductions from existing infrastructure. The VMT component is based on guidance from the State's Office of Planning and Research, which the EA acknowledges.

The EA states:

The Bay Area Air Quality Management District (BAAQMD) provided guidance in 2022 to determine the significance of climate impacts from land use projects (BAAQMD, 2022c). If a project will not include natural gas appliances, will not result in wasteful, inefficient or unnecessary energy use, will reduce project-generated vehicle miles traveled (VMT) below the regional average, and will provide EV facilities consistent with current California building standards, then a project's climate change impact is considered less than significant. The BMPs described in Table 2.1-3 provide for the use of electric boilers and appliances, avoidance of inefficient energy use, and installation of EV facilities consistent with current California building standards. As presented in Section 4 of Appendix I, Alternatives A, B and C would result in over a 15 percent reduction in VMT compared to the Sonoma County region. Therefore, with the implementation of BMPs, implementation of the project alternatives would not result in a significant adverse cumulative impact associated with climate change. (EA 3-140.)

In reality, neither of BAAQMD's referenced criteria are met. The project is not foregoing all natural gas as BAAQMD's threshold requires for a finding of "less than significant." Instead, Table 2.1-3 states: "The Tribe will use electric boilers and appliances in lieu of natural gas or propane units *to the greatest extent practicable*," whatever that means. The only thing this language clearly suggests is that the Tribe has considered the BAAQMD guidance regarding natural gas and rejected it.

Worse, the EA's statement that the project will result in "a 15 percent reduction in VMT compared to the Sonoma County region" has no basis whatsoever. Very clearly, this is not a VMT reduction project. The project's sponsors hope to draw customers from a very wide region, and have proposed no less than 5,110 parking spaces for the project. The study relied upon only looks at vehicle miles travelled associated with employees, not project visitors, which is to say that most VMT associated with the project is being ignored. This is the case even as the economic analysis in Appendix E, pages 65 and 66, describes a very large geographic market for visitors to the project, with the bulk of visitors not coming from Sonoma County. The purported "logic" of the EA is that: "The project's Home-Based VMT per employee value of 10.20 is lower than

the 85% VMT threshold for the Sonoma County region (10.53 VMT per employee). Thus, the proposed project at full buildout is expected to have a less-than-significant impact on VMT.” These numbers do not elucidate the project’s impacts. *Even after* improperly ignoring the visitor VMT completely, the VMT numbers cited reveal significant impacts. The EA deliberately evaluates the employee VMT average against the Sonoma County average rather than the regional average (which is significantly lower, because the region includes the metropolitan areas of the Bay Area),⁸ and then, by a thin margin, finds the outcome to be less than significant. To the extent that any component of the math is credible at all, it has been subjected to outcome-oriented manipulation.

Nor do the practices in Table 2.1-3 address the greenhouse gas impacts as the EA claims. The Bureau has deliberately chosen mitigation language in Table 2.1-3 that is utterly vague and unenforceable: “Shuttle service to and from population centers will be provided *as feasible*, which would reduce CAPs and GHGs.” The fleet mitigation is similarly vague and unenforceable, and has no standard through which efficacy can be evaluated. At the same time, as discussed more fully below, *all* of the recommendations of the traffic consultant concerning transit and pedestrian infrastructure have been summarily rejected without any explanation in the EA.

On top of these problems, the modeling assumptions in Appendix F do not hold up for very potent greenhouse gases like methane. Appendix F assumes “mitigation” that is not applied. While an unenforceable recycling “practice” has been proposed, no mitigation is imposed on the project requiring the source separation of organic waste such that it can be diverted from landfills. The lack of a feasible plan for organics diversion (including for biosolids), and the lack of any discussion of the project’s integration with related landfill diversion processes under SB 1383 (2016), means the landfill diversion estimates are not credible. This in turn means that the assumptions about project emissions for potent gases like methane are not credible. Landfill diversion cannot be assumed if the project actively thwarts diversion.

The only way to reach the conclusion that the project’s greenhouse gas impacts will be less than significant is by systematically ignoring the data, which the EA does. Perhaps the Bureau could use a different science-based analytical framework than BAAQMD and California’s Office of Planning and Research have used, but it is arbitrary and capricious to manipulate data and say that cited significance criteria are met when they are not. A good faith analysis of the greenhouse gas impacts must be conducted, and if the analysis is based on an EA, the strategy of avoiding accountability by placing

⁸ In the context of similar attempts to dilute required VMT reductions, the California Office of Planning and Research (on whose guidance the EA purports to rely) has made clear that “regional average” means the average in the applicable Metropolitan Planning Organization, not the lower average within a county. (Exhibit F.)

mitigation with extensive escape clauses in the project description must be jettisoned. Given the project's high level of emissions, an EIS should be prepared. Absent an EIS, adequate and enforceable mitigation must be adopted for the project's emissions related to the project's energy sources, the project's energy consumption, transportation, and waste.

VII. The EA's traffic analysis ignores the recommendations of the underlying studies, and is based on inadequate and ineffective mitigation measures.

The EA reaches the logical conclusion that the project will have significant impacts on traffic without mitigation. However, the EA does not provide for enforceable mitigation that ensures that these impacts will be avoided.

The EA divides transportation into opening day mitigation and "cumulative" mitigation for 2040. For opening day, the mitigation measure states:

While the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe, the Tribe shall make *good faith efforts to assist* with implementation of the opening year improvements prior to opening day. (EA 4-8, emphasis added)

The Tribe does have the ability to enter into enforceable contracts to construct the improvements (with local government assent), but the language in the EA scrupulously avoids anything concrete or enforceable. As written, the mitigation measure would allow for mere cheerleading, even as the traffic study (EA, Appendix I) assumes that the Tribe or Bureau will be responsible for the entire cost. What is needed to avoid significant impacts is the improvements, not "good faith efforts" that the Bureau declines to specify. Further, the analysis does not confirm there are no constraints for the improvements (environmental, real property, etc.), and does not analyze the improvements themselves. Ultimately, the measure does not commit the Tribe and/or Bureau to the improvements. The structural problem with the analysis is therefore that the EA provides no actual evidence that the improvements will occur, which on its own requires an EIS given the fact that impacts to be mitigated are significant.

The same issues arise for the "cumulative" improvements. The EA says:

The Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures. Funding shall be for design standards consistent with those required for similar facilities in the region. (EA, 4-8.)

First, the amount and timing of the payments is unspecified, and no evidence is provided that the cumulative improvements will actually be constructed on the timeline required to avoid significant cumulative impacts. There is no discussion of feasibility and constraints, and no discussion of any environmental issues that may exist with the improvements. Incredibly, the widening of Shiloh Road from 2 to 4 lanes is simply “assumed” without any substantive analysis (Appendix I, 168), and it is not required as mitigation – even as it is absolutely critical for the EA’s conclusions about impacts.

Second, critical details are omitted from the mitigation measure, such as the nature of the fair share calculation (Table 33 in the traffic study is not mandated), the timing of project cost determinations, and the timing of payments. This information is crucial to evaluate the efficacy of the mitigation. Cost determinations must be based on actual facilities that meet County design standards, not hypothetically “similar” facilities, to ensure the improvements can actually be constructed. Effective mitigation measures will require enforceable agreements with the County.

Worse, without explanation, the EA inexplicably declines to impose mitigation recommended in the traffic study (EA, Appendix I) that could help address the project’s transportation impacts. These recommendations include:

- “The proposed project should provide adequate pedestrian and bicycle facilities on its site (particularly at its planned driveways) to facilitate pedestrian and bicycle traffic to and from the project site.” (EA, Appendix I, 6-7.)
- “Provide concrete sidewalks, and marked crosswalks at the proposed project driveways to connect with existing and planned pedestrian facilities along Shiloh Road and Old Redwood Highway.” (EA, Appendix I, 6-7; section 15.4.)
- “Provide continuous, accessible pedestrian pathways between the nearby transit stops and project entrances.” (EA, Appendix I, section 15.4.)
- “Provide pedestrian and bicycle facilities between the proposed project’s driveways and the project’s main facilities to improve on-site pedestrian and bicycle circulation” (EA, Appendix I, section 15.4.)
- “The site is not proposing sidewalks along its frontages. However, pedestrian facilities should be provided at the two new traffic signals to provide a connection with the sidewalks on the north side of Shiloh and the urban features on the west side of Old Redwood Highway near the future signals at the church. TJKM also recommends constructing continuous, accessible pedestrian paths between the nearest bus stops, the project access points closest to Shiloh Road & Old Redwood Highway, and the nearest project entrances.” (EA, Appendix I, section 15.2.)
- “Sonoma County Transit (SCT) serves the project area. Route 60 mostly travels along Old Redwood Highway between Cloverdale and Santa Rosa on headways varying between one to two hours. There is an existing pair of stops adjacent to the corner of Shiloh Road and Old Redwood Highway. With the addition of

accessible pedestrian pathways between the stops and the project entrances, this route has the potential to serve employees and patrons in the Old Redwood Highway corridor.” (EA, Appendix I, 15.2.)

The failure to adopt these recommendations is unexplained. All of these mitigation measures would at least contribute to mitigating the very high VMT for the project. The EA’s departure from these recommendations is neither explained nor justifiable.

Similarly, without the “hard look” required by NEPA, the EA does not impose the queueing mitigations that the traffic study recommends. These omissions leave significant traffic impacts, including on safety, unmitigated. The mitigation section of the EA contains no mention of the mitigations recommended in the traffic study (Appendix I) in section 4.5 (p. 42, 43), section 8.0 (p. 89), section 12.2 (p. 129-132), section 5.5 (p. 57-58), section 9.2 (p. 99, 100), section 6.5 (p. 72), section 10.2 (p. 109, 110), or section 14.2 (p. 159-162).

Finally, the EA also modifies the mitigations in the traffic study without justification or explanation. There are, for example, discrepancies between turn lane mitigations in the traffic study and in the EA, as well as lane “storage length” recommendations, where mitigation has been reduced in the EA relative to the traffic study without explanation. Whatever the reason for these changes, there is no evidence that these changes are appropriate.

In sum, the proposed traffic mitigation is not adequate, and the discussion of traffic impacts does not constitute a “reasonably complete” discussion of the direct and indirect traffic impacts of the project.

VIII. The EA’s discussion of wildfire risks and mitigation is inadequate.

In the last decade, the project area has been the site of some of the worst wildfires in United States history. The project is very near to the burn areas of both the 2017 Tubbs Fire and the 2019 Kincade Fire. The EA acknowledges that the project is in a designated high fire risk area. (EA, figure 3.12-2.) The EA concedes that the elimination of fire barriers is a significant impact. Missing from the EA, however, is any recognition of the fact that the EA eliminates agricultural land that acts as a fire break (for the City of Windsor as well as for surrounding areas) and replaces it with flammable structures. This creates a potential ignition linkage from populated areas to a *very high* fire risk area. It is not as though the County has no experience with how this works. The EA contains a conclusory statement that no fire barriers will be eliminated. This is an odd mix of silly and irresponsible.

The EA cites State building standards relative to wildfire, and Former Chief Vern Losh recommends compliance with the wildfire (or “Wildland Urban Interface”) provisions of the California Building Code. (EA, Appendix N1.) The EA does not

discuss the fact that these codes are inapplicable, and the EA does not require that they be imposed. The EA fails to discuss the fact that even a single ember in a poorly placed vent can defeat the protections provided by (already inapplicable) fire codes. Hurricane-force winds can transport these embers long distances at high velocities. It is understandable that, beyond the California code requirements, Former Fire Chief Losh recommends “special care” with locations where embers could intrude. No mitigation that implements and requires this care is imposed. No third-party plan checks are required. No substantive post-construction reviews are required. Indeed, no mitigation measures have been imposed to ensure that Chief Losh’s generic assumptions about how projects should be built are true. Fire sprinklers are mentioned, but there is no discussion of the adequacy of water supplies and infrastructure to address firefighting. There is no discussion of the potential loss of water pressure or the frequent loss of power during fire weather, which can eliminate water supply. There is no discussion of the feasibility and impacts associated with the “back up” fire station that is proposed.

The outcome-oriented carelessness of the EA applied to very significant risks is unfortunate. Yet, the EA’s failure to substantively examine evacuation risks is even more troubling. Evacuation risks are environmental risks with which Sonoma County has far too much familiarity. Evacuations have not always gone well, and timing has been crucial for the evacuations that have mitigated broader disasters. Very recent wildfires have required massive evacuations of the entire area in which the project is situated, including the complete evacuation of the adjacent Town of Windsor. The timely, total evacuation of the Town in 2019 was a key factor in allowing firefighters to save the Town and stop the further spread of the fire, as it allowed firefighters to battle flames without committing resources to rescues. (Exhibit G.) Evacuation requires sufficient infrastructure to allow occupants to leave and firefighters to enter without mutual interference. Experience has shown that the consequences of insufficient resources for evacuation can be dire.

Evacuation issues cannot be lightly treated as insignificant in Sonoma County. But that is exactly what the EA does. The CAS Safety Consulting LLC report makes numerous recommendations that have not been implemented in evacuation mitigation measures. Most problematically, these recommendations include traffic modeling that has not been completed. As the California Attorney General observes, “evacuation modeling and planning should be considered and developed at the time of project review and approval—when there is greater flexibility to modify a project’s design, density, siting, and configuration to address wildfire considerations—rather than deferred to a later stage of the development process.”⁹ The “wait and see” approach

⁹ California Attorney General, “Best Practices for Analyzing and Mitigating Wildfire Impacts of Development Projects Under the California Environmental Quality Act,” October, 10, 2022, <https://oag.ca.gov/system/files/attachments/press-docs/2022.10.10%20-%20Wildfire%20Guidance.pdf>.

which might suffice in some cases is completely inappropriate in this situation. The only thing close to modelling that has been disclosed is an implausible conclusion that a 6-8 hour estimate to evacuate the casino and the Town is adequate. The basis of the estimate is not provided, but the conclusion that this is possible is based on various assumptions. The assumptions include the questionable assumption that Shiloh Road will be expanded at opening, even as no mitigation is proposed to require this expansion prior to opening. The EA does not provide a plausible basis for concluding that the estimated time required for evacuation is sufficient, it does not state the range of cases where that conclusion would be true, and it does not stress test all assumptions – in terms of infrastructure, in terms of disaster response operations, and in terms of the increasing wildfire risks presented by climate change. The lack of adequate traffic mitigation greatly exacerbates the deficient analysis. The EA does not provide evidence that the impacts are less than significant.

Finally, and unfortunately, given the location and nature of the project, mitigation should be adopted to address the cleanup of the project if it does burn. It is well understood that commercial buildings that burn in wildfires present toxic hazards to the community,¹⁰ and the surrounding community will not be able to ensure these hazards are abated without the imposition of mitigation that addresses these risks. Federal assistance is generally not available for commercial projects. Where cleanups are not financially convenient, they do not occur without mandatory requirements. This will result in a significant impact without mitigation.

¹⁰ California EPA, Guidance for Conducting Emergency Debris, Waste and Hazardous Material Removal Actions Pursuant to a State or Local Emergency Proclamation, October 7, 2011, <https://calepa.ca.gov/wp-content/uploads/sites/6/2019/06/Disaster-Documents-2011yr-GuideRemoval.pdf>

IX. The EA fails to evaluate a reasonable range of alternatives.

Part of the reason why there is insufficient infrastructure for the project is the fact that the site is within an area where this type of project would never be permitted by existing local government planning. The location is zoned for agriculture,¹¹ but that is far from the only issue. Sonoma County local governments have each adopted Urban Growth Boundaries to contain auto-dependent sprawl and plan for city-centered growth. The County and the cities have voter approved Urban Growth Boundaries and Community Separators to preserve open space and protect Sonoma County's environment. The Community Separator areas are voter-approved districts that were created to preserve open space, retain rural visual character, limit new development in scale and intensity, and *specifically avoid commercial development*. The project is outside the Town of Windsor's Urban Growth Boundary and inside the County's Community Separator. The existing infrastructure does not support this type of project because inter-governmental planning has sought to avoid this type of development in this area.¹² The Bureau's Scoping Memo partially acknowledges this fact in discussing the utility limitations that flow from the Town of Windsor's Urban Growth Boundary, but does not acknowledge or discuss the larger planning context.

The EA lacks a reasonable range of alternatives, and reading the Bureau's EA is torturous, like watching a fly in a bottle. Given the site constraints in terms of resources and infrastructure, it is illogical and absurd not to include off-site alternatives in the analysis. The EA asserts that the availability of other sites is economically "speculative" but this conclusory assertion flies in the face of the other casinos that have already been developed in the Tribe's territory (as the EA defines it). It also ignores the known economic resources of the Tribe's backers in this project. (Exhibit H.) It is foundational NEPA law that "[r]easonable alternatives include those that are *practical* or *feasible* from the technical and economic standpoint and using common sense, rather than simply desirable from the standpoint of the applicant." 46 Fed. Reg. 18026, 18027 (1981) (emphasis in original); *Simmons v. U.S. Army Corps of Engineers*, 120 F.3d 664, 669 (7th Cir. 1997) (federal agency has the "duty under NEPA to exercise a degree of

¹¹ Approximately 47 acres of the parcel consist of Farmland of Statewide Importance; 8 acres are designated Farmland of Local Importance; and 13 acres are Prime Farmland.

¹² The relevant policies in the County's General Plan include, but are not limited to: "Objective OSRC-1.1: Preserve important open space areas in the Community Separators shown on Figures OSRC-5a through OSRC-5i of the Open Space and Resource Conservation Element"; "Objective OSRC-1.2: Retain a rural character and promote low intensities of development in Community Separators. Avoid their inclusion in City Urban Growth Boundaries or Spheres of Influence. Avoid their inclusion within Urbans Service Areas for unincorporated communities"; "Policy OSRC-1b: Avoid commercial or industrial uses in Community Separators other than those that are permitted by the agricultural or resource land use categories."

skepticism in dealing with self-serving statements from a prime beneficiary of the project” regarding alternatives). Further, constraining the analysis of reasonable alternatives (and the “purpose and need”) to those that could be permitted under 25 CFR § 151.12 is contrary to longstanding Council of Environmental Quality guidance. 46 Fed. Reg. at 18027 (alternatives outside of lead agency jurisdiction must be analyzed; “A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered.”)

Picking a site for commercial development that is only available because local planning prevents commercial development of that site comes with multiple environmental and infrastructural challenges and costs. At bottom, it is hard to make this project work on this site without causing significant environmental impacts. The evaluation of off-site alternatives would allow the consideration of better sites, where the impacts could be better mitigated. If the site had better access to existing transportation (including multi-modal transportation) and utility infrastructure, the direct, indirect, and cumulative impacts would be easier to address. There is no need to site this project in a SGMA basin with water and wastewater constraints, or to site it in critical habitat for salmonids. The purpose and need and screening criteria have been engineered to screen out reasonable alternatives, and this is a completely unnecessary NEPA violation.

X. Conclusion.

The EA falls woefully short of providing “high quality” information and “accurate scientific analysis.” *350 Mont. v. Haaland*, 29 F.4th 1158, 1176 (9th Cir. 2022). “An EIS is required of an agency in order that it explore, more thoroughly than an EA, the environmental consequences of a proposed action whenever substantial questions are raised as to whether a project *may* cause significant environmental degradation. That is exactly the circumstances of this case.” *Blue Mts. Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1216 (9th Cir. 1998) (emphasis in original, citation and internal punctuation omitted). The County looks forward to reviewing an EIS for this project, and will be happy to provide additional information.

Sincerely yours,

Verne Ball
Deputy County Counsel

EXHIBIT A



2235 Mercury Way
Suite 105
Santa Rosa CA 95407

707.543.8506 phone
530.756.7991 fax
westyost.com

November 9, 2023

Project No.: 782-60-23-02
SENT VIA: EMAIL

Verne Ball
Office of County Counsel County of Sonoma
575 Administration Drive
Santa Rosa, CA 95403
verne.ball@sonoma-county.org

SUBJECT: Koi Nation Shiloh Resort and Casino Project Environmental Assessment, Comments on Water Resources Assessment

Dear Mr. Ball:

The County of Sonoma has retained West Yost to review the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs, as Lead Agency. West Yost staff reviewed the EA evaluation of proposed water supply, stormwater, and wastewater facilities. The following documents were reviewed:

- Environmental Assessment for the Koi Nation of Northern California Shiloh Resort and Casino Project (September 2023)
- Appendix C - Water and Wastewater Feasibility Study
- Appendix D - Grading and Hydrology Study

West Yost staff prepared these comments and recommendations based on information provided in materials provided by the County and relevant documents referenced in the EA.

PROPOSED PROJECT SUMMARY

The EA analyzes the Koi Nation of Northern California (Tribe) construction of a casino, hotel, spa, conference and event center, restaurants, parking, and support infrastructure (Alternative A and referred to here as the Proposed Project), which includes construction of a drinking water supply system, as well as wastewater treatment and disposal. The EA states that the average potable water demand for the site will be 170,000 gallons per day (gpd) with a peak demand of 294,000 gpd to be provided by on-site production wells (up to 700 feet deep). The estimated average wastewater generation is 232,000 gpd with an average weekend peak estimated at 335,000 gpd. Wastewater treatment is proposed using a package immersed membrane bioreactor (MBR) producing 108,000 gpd of tertiary treated recycled water for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. Tertiary treated wastewater would be seasonally discharged on-site to Pruitt Creek.

COMMENT OVERVIEW

The project will have significant impacts related to surface and groundwater resources as described in Section 3.3.3.2 of the EA. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project. Alternative A represents the most intense development considered for the site and is therefore associated with the greatest potential impacts to water resources.

While the EA provides some useful information about the Proposed Project and alternatives, the analysis presented lacks critical information that is needed to evaluate the severity of the Proposed Project’s impacts. In general, the EA relies on regional rather than site specific data, its conclusions are often not supported by evidence, and the potential cumulative impacts of the Proposed Project are not considered. Additionally, some mitigation measures identified in the EA lack details needed to evaluate their feasibility and effectiveness, for example:

- **The EA lacks analysis and basic data needed to reach conclusions about likely impacts of the Proposed Project.** The potential impacts have not been fully analyzed and the EA lacks essential information needed to evaluate the project and alternatives.
- **Assumptions used in the analysis may be inappropriate and yield inaccurate results.** The water demand, wastewater production, and recycled water reuse values are based on assumptions that are not validated based on local conditions, without discussion of project-specific or site-specific conditions. For this reason, impacts appear to be underestimated.
- **The EA fails to consider the project’s impacts in the context of cumulative, reasonably foreseeable future development.** Nor does the analysis consider climate change affects projected to occur over the life of the project.
- **Mitigation Measures outlined in the EA are inadequate.** Because the mitigation measures lack specifics relating to monitoring, criteria for success, and modes of enforcement, there is no certainty that mitigation measures will be effective in reducing potential environmental impacts.

Each of these topics are detailed further below and presented in the following categories as ordered in impact analysis Section 3.3.3.2 of the EA:

1. *Surface Water* – New Structures and Impervious Surfaces in Flood-Prone Areas
2. *Groundwater*– Groundwater Pumping Impacts on Neighboring Wells
3. *Groundwater*– Proposed Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act (SGMA)
4. *Wastewater Treatment and Disposal* – Effluent Discharge to Pruitt Creek
5. *Wastewater Treatment and Disposal* – Impacts to Laguna de Santa Rosa
6. *Wastewater Treatment and Disposal* – Wastewater Treatment and Recycled Water Use

SPECIFIC COMMENTS

The Water Resources Regulatory Setting identifies Federal and State Water Resource Regulations in Table 3.3-1. State regulations listed include Porter-Cologne Water Quality Act, Sustainable Groundwater Management Act, and Title 2 California Code of Regulations. However, it is unclear how these regulations and related policies would apply to the proposed project. California standards for wastewater treatment and disposal should be explicitly applied in technical assumptions, project description, impact analysis, and mitigation measure enforceability.

The EA lacks a discussion of climate change impacts and does not consider increased rainfall and higher temperatures in water and wastewater calculations. As noted in the North Bay Climate Adaptation Initiative's *Climate Ready Sonoma County*, Sonoma County is expected to experience more very hot days than in the past, and overall higher temperatures over a longer period of dry weather, even under forecasts that predict overall wetter conditions. Spring will come earlier and fall will come later, and these extended periods of hotter, drier weather will impact regional water availability. Heat will increase soil moisture deficit and reduce groundwater recharge, meaning that less water will be available even in futures with more precipitation. Heat will also increase the demand for water, exacerbating pressures on limited water resources in periods of drought (NBCAI, 2014).

1. Surface Water – New Structures and Impervious Surfaces in Flood-Prone Areas

The southwest portion of the site is within the Federal Emergency Management Agency (FEMA) regulated flood area and additional areas of the site are shown in The Town of Windsor's Storm Drainage Master Plan (2020) to be flood-prone.

Impervious Surfaces

The proposed action would increase impervious surfaces on the Project Site by up to 35.51 acres through the construction of buildings, circulation, parking, and infrastructure. Increased impervious surfaces would result in increased peak flows and increased total discharge from the Project Site during precipitation events. The Proposed Project will need to consider flood mitigations, to address potential downstream flooding and sediment transport impacts.

The EA states that the Proposed Project would limit post-development peak flow and stormwater volume to pre-development levels during a 100-year probability, 24-hour duration storm event. However, the plan to achieve this is not fully described or analyzed. Additional calculations and site planning are needed to demonstrate the feasibility of mitigating impacts from the significant addition of impervious surface area.

Floodplain Storage Capacity

Development on the site would displace agricultural land and floodplain area that currently provides floodwater storage and may exacerbate on-site and downstream flooding. Climate models forecast that the frequency and intensity of flooding will continue to increase beyond historical levels.

The environmental analysis should be expanded to consider impacts of climate change to the mapped limits of the 100-year flood and to the intensity of future flooding at the site. Additionally, the EA does not demonstrate how impacts to all floodplain functions would be mitigated to a less than significant level.

2. Groundwater – Groundwater Pumping Impacts on Neighboring Wells

The Proposed Project would pump groundwater from the Santa Rosa Plain groundwater subbasin. The Project Description estimates daily pumping of 170,000 gpd with a peak pumping of 294,000 gpd. Potable water would be sourced from on-site production wells, drilled up to 700 feet deep. Several existing wells are located in proximity to the site, including shallow residential wells at the Mobile Home Estate and two Windsor Water District municipal wells at Esposti Park, north of and in proximity to the Proposed Project site. The municipal wells are located within about 250 feet of the northwest project site boundary and about 2,200 feet from the "treatment area" as identified in Appendix C of the EA, the area tentatively designated for water and wastewater infrastructure.

The EA does not present a conceptual groundwater model of the site and limits the discussion of potential impact to the deep aquifer (300 to 600 feet deep). The geology of the Santa Rosa Plain is complex and groundwater pumping could adversely affect surface water flow and groundwater dependent ecosystems. An analysis of existing groundwater conditions and impacts of project pumping on nearby Pruitt Creek and potential cumulative impacts downstream in the Laguna de Santa Rosa is needed.

Water quality in the wells currently limits water use to irrigation. One of the wells at Esposti Park is used to irrigate the park. The other well, currently inactive, is identified in the Town of Windsor's Water Master Plan for future development of municipal drinking water and would include a water treatment process to remove contaminants.

Impacts to Neighboring Wells

The average and peak pumping of the Proposed Project could result in groundwater drawdown in neighboring wells and could significantly decrease the Esposti well output and potentially affect water quality. The Town of Windsor Water Master Plan (Woodard and Curran, 2019) estimates the sustainable yield of the municipal to be 400 gpm (0.6 million gallons per day) or 350 acre feet per year (AFY). Proposed Project pumping could significantly decrease the previously analyzed estimated yield. Groundwater pumping at the site could also result in adverse impact to domestic wells in the vicinity. This would include reducing production of neighboring wells and/or lowering groundwater levels below well pumps altogether, rendering neighboring wells unusable.

The EA cites a Town of Windsor 2017 aquifer test at the Esposti well as evidence that pumping from the aquifer deeper than 300 feet would not result in a decline in water level. However, although no drawdown occurred during that test, the test lasted only 28 hours. The aquifer test at the Esposti municipal well was over a short duration and is not an appropriate basis for assessing impacts of continuous groundwater pumping proposed as part of the Proposed Project. The EA further concludes, based on very limited data, that the Proposed Project would not affect groundwater levels or water availability in wells drilled to a depth of less than 370 feet. The EA lacks critical hydrogeologic data to reach this conclusion.

Additional groundwater monitoring is needed to confirm hydraulic separation between the upper and lower aquifers underlying the site and surrounding area. This monitoring should be conducted as part of the environmental evaluation and prior to project approval. Additional studies, including a well interference study and hydrogeologic testing, are needed to provide adequate information to allow for a reasonable evaluation of alternative development scenarios and impacts to neighboring wells.

Project wells should be located away from adjacent wells and outside the zone of influence around the existing Esposti wells. Pumping rates should be limited to amounts that avoid impacts to neighboring wells and ensure sustainable yield for the project wells and wells in the vicinity. Additional investigation and groundwater pump tests should be completed to determine the impact to nearby wells. Assessment of the impact to the municipal well, both the current use of the well for irrigation and future use as identified in the Town of Windsor Water Master Plan (2019), is needed to address cumulative impact.

Groundwater Mitigation Measure

Proposed Project groundwater pumping could adversely affect groundwater levels and well production. Mitigation measures listed in the EA include monitoring and compensation; however, the EA does not include metrics for determining when adverse impact has occurred, compensation actions that would be required should adverse impacts result, or an enforcement mechanism. The EA should clarify that both shallow and deep wells will be monitored and eligible for mitigation compensation.

The proposed mitigation measure to reimburse well owners should their well become unusable within five years of project pumping is not mitigation, let alone appropriate mitigation. The effects of environmental harm are more than monetary, and there are reasonably foreseeable indirect effects of unusable wells, such as impacts related to water hauling from traffic and associated GHG emissions, health and safety issues from lack of potable water, and impacts of extending municipal water service, that have not even been discussed.

Adequate data from both the shallow and deep aquifer should be collected prior to initiating groundwater pumping to fully evaluate the impact. Actions should be identified to avoid impacts to neighboring wells. The proposed mitigation measures further indicate that the Tribe, at its discretion and cost, could provide an alternative water supply. However, the EA does not identify the source of these alternative water supplies and it does not provide an evaluation of potential impacts associated with the buildout of alternative supplies. The buildout of alternative water supply infrastructure would likely have significant impacts that need to be analyzed.

3. Groundwater – Groundwater Pumping Impacts on Sustainability Under the Sustainable Groundwater Management Act

With the Sustainable Groundwater Management Act (SGMA), California has identified groundwater basins that require special planning to avoid adverse impacts. The project is in one of these basins. The Santa Rosa Plain Groundwater Subbasin (basin number 1-55.01) is categorized as a medium priority basin by the California Department of Water Resources (DWR) and is, therefore, subject to special regulation and planning efforts. The Santa Rosa Plain groundwater basin is regulated under SGMA because the basin is densely populated, and groundwater use is relied on for rural residential, agricultural, commercial, and municipal water supply. Groundwater management is needed to avoid adverse impacts to the groundwater basin, but there is no discussion in the EA of the unique relationship of this project to groundwater management.

DWR approved a Groundwater Sustainability Plan (GSP) for the basin in January 2023 and the Groundwater Sustainability Agency (GSA) has prepared and will continue to prepare annual reports that provide updates about current groundwater conditions. The GSP states that the groundwater stored in the shallow and deep aquifer systems is declining on average by about 2,100 AFY. The 2022 Annual Report indicated that groundwater levels and groundwater storage capacity are stable but, importantly, future declines are projected. The Annual Report further indicates that more data are needed to assess the health of groundwater to interconnected surface waters and the impact of pumping on groundwater-dependent ecosystems.

Consistency with Santa Rosa Plain Groundwater Sustainability Plan (GSP)

The EA is significantly flawed by not considering cumulative impacts of groundwater extraction. While the analysis mentions the Santa Rosa Plain GSA, it provides no analysis of the Proposed Project's compatibility with the adopted GSP. The EA should include analysis of long-term pumping of 300,000 gpd on potential undesirable results as defined in the GSP, including for water quality. Groundwater pumped from the deeper aquifer in the northern portion of the Santa Rosa Plain subbasin underlying the Project Site is documented to contain elevated concentrations of arsenic and manganese. These constituents have been a constraint for the Town of Windsor's Esposti Park wells and the effects of additional pumping on groundwater water quality is crucial information that is missing from the EA. Additional analysis should consider planned future pumping from the Esposti well, as discussed above.

Long-Term Municipal Water Supply

Proposed Project groundwater pumping may adversely impact Windsor Water District's ability to meet water demands with supplemental groundwater supply and may reduce water supply resiliency during a drought. The EA lacks an analysis of long-term groundwater supply and fails to acknowledge the current and future use of groundwater to meet water demands. The EA should include a water supply assessment that evaluates long-term water supply sustainability using a 45-year time horizon and consider future drought conditions and climate scenarios.

Current developments regarding local water supplies cannot be ignored in the analysis. The decommissioning of the Potter Valley hydroelectric facility and likely reductions in Eel River flows into the Russian River system, could result in reduction of surface water deliveries to the Town of Windsor, resulting in the need for future increased groundwater extraction from municipal wells.

Groundwater Quality

The EA indicates that wellhead treatment would be needed but does not describe the nature of waste products that would result from water treatment to attain potable water, nor is a disposal location identified. Improper disposal will result in, for example, soil and water contamination. The EA should include an analysis of the potentially significant impacts from removing contaminants from wells where groundwater does not meet drinking water standards.

4. Wastewater Treatment and Disposal – Effluent discharge to Pruitt Creek

The EA states that the project will produce and estimated average wastewater flow of 232,000 gpd and a peak weekend flow of 335,000 gpd. For the purposes of design, an average daily flow of 300,000 gpd and average weekend flow of 400,000 gpd was assumed, which is equivalent to about 110 million gallons/year. During the dry season, tertiary treated recycled water would be used onsite for toilet flushing, on-site landscape irrigation, on-site vineyard irrigation, and cooling tower makeup. An additional 11-acres of off-site vineyard could also be irrigated. Appendix C presents several options for use and storage of recycled water in ponds and tanks. During the wet season, tertiary treated wastewater would be seasonally discharged onsite to Pruitt Creek.

The information presented in the EA does not fully analyze potential environmental impacts from proposed discharge of tertiary treated wastewater to Pruitt Creek. Additional analysis is needed to evaluate water-related impacts and support the EAs conclusion that there will not be significant impacts.

Seasonal Discharge Volume Estimate

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants (WWTPs) to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. Pruitt Creek is an ephemeral drainage with highly variable flow volume. Appendix C relies on streamflow statistics from a U.S. Geological Survey (USGS) gauging station located 5.5 miles downstream of the site, which significantly overestimates the capacity for discharge to Pruitt Creek. Appropriate discharge volumes must be calculated based on local stream flow data for the analysis to be reasonable.

Streamflow statistics at the downstream gauging station indicate that discharges immediately before and after the summertime months (May and October) may be limiting for the Proposed Project, and that streamflow rates are highly variable from year to year. Appendix C indicates that for any discharge scenario developed for the Proposed Project, backup contingency plans should be developed for low-flow conditions. However, the EA does not present this contingency plan, nor does it analyze potential on-site or secondary impacts of such discharge contingency.

The EA does not demonstrate the feasibility of seasonal discharge of anticipated wastewater flows to Pruitt Creek under all climate conditions, even though extremely varied climate conditions are foreseeable. The environmental assessment for the Proposed Project should include an analysis of seasonal discharge options to ensure capacity under all foreseeable climate scenarios.

Treatment Process Vulnerability

The Proposed Project includes construction of a self-contained package (immersed MBR) treatment plant to produce tertiary treated recycled water. The volume of influent will vary with casino usage, weather conditions, and infrastructure functioning. Any WWTP may be subject to “upset conditions”, when a sudden and unexpected event prevents the facility from operating properly. There is no indication that the Tribe has considered coordination or mutual aid agreement with other sanitary service providers to provide backup or support in the event of a WWTP upset. The Proposed Project should establish enforceable agreements to engage in mutual aid with one or more sanitary service areas.

Construction of Outfall in Pruitt Creek

Installation of a wastewater outfall structure in Pruitt Creek will adversely affect riparian habitat without appropriate mitigation. Operation of the outfall could alter the flow and hydrology of the Pruitt Creek, resulting in erosion and exacerbated flooding. Information is needed to evaluate the foreseeable impacts of the outfall structure on Pruitt Creek in all flow conditions.

5. Wastewater Treatment and Disposal – Impacts to Laguna de Santa Rosa

Discharge of tertiary treated effluent to Pruitt Creek, a tributary to Mark West Creek which flows into the Laguna de Santa Rosa, could have significant impacts on water quality in the Laguna de Santa Rosa. The Regional Board and the State Water Resources Control Board (State Board) have designated the Russian River and its tributaries, including the Laguna de Santa Rosa, as impaired waterbodies. The Regional Board has adopted policies and Total Maximum Daily Loads (TMDL) (some adopted and some under development) for a range of parameters, including sediment, temperature, pathogens, nutrients (nitrogen and phosphorus), dissolved oxygen, and sedimentation/siltation. The Water Quality Trading Framework for the Laguna de Santa Rosa Watershed adopted by the Regional Board in 2021 sets a “no net loading” effluent limitation for total phosphorus in National Pollutant Discharge Elimination System (NPDES) permits for WWTP discharge to the Laguna de Santa Rosa and provides a mechanism to offset total phosphorus inputs to the system. These regulatory tools recognize WWTPs as potential pollutant sources and provide the mechanisms to address water quality impairment.

The Proposed Project discharge of recycled water would add sediment, nutrients, and phosphorous to the Laguna de Santa Rosa watershed, undermining regional efforts to address existing water quality impairment. No analysis of the impact of project discharge on the Laguna de Santa Rosa watershed is provided. The Proposed Project could contribute to cumulative impacts in the Laguna de Santa Rosa that have not been analyzed. More evidence is needed to support the assertion the proposed discharge would comply with all current and reasonably foreseeable future policies, water quality trading framework, TMDLs, and implementation plans that support the Basin Plan.

The EA concludes that “surface water and groundwater resources from wastewater treatment and disposal activities associated with Alternative A would be less than significant,” but fails to demonstrate ability to meet nutrient limitations for discharge to Mark West Creek and its tributaries. The environmental assessment for the Proposed Project must include an analysis demonstrating how the Proposed Project would meet the no net phosphorous discharge required under the Nutrient Trading Framework and a full analysis of the proposed discharge in the context of adopted and future TMDLs. Standards for effluent phosphorous loads and for a phosphorus offset program should be identified and mitigation measures to reduce impacts of phosphorous discharge and secondary impacts of offset projects should be evaluated.

6. Wastewater Treatment and Disposal – Wastewater Treatment and Recycled Water Use

The information presented in the EA does not fully analyze potential environmental impacts from proposed use and storage of recycled water on-site and off-site. Additional analysis is needed to demonstrate the feasibility of on-site wastewater treatment, recycled water storage and reuse, and potential use of recycled water off-site.

Storage Tank Capacity

The proposed on-site recycled water storage ponds and tanks would be located in the “Treatment Area” in the southeastern portion of the site. Several options for recycled water disposal are presented in Appendix C, including construction of 12- to 16-million gallon recycled water storage tanks. This would provide adequate storage for about 40 to 50 days. Since discharge will not occur between May 15 and September 30 (138 days) significantly more storage, on the order of 40 million gallons, would be needed. Proposed facilities are not shown on the site plan and more information is needed to ensure that there is adequate space to accommodate needed storage, applying site-specific evapotranspiration (ET) rates and discharge volumes.

Evapotranspiration Rates

The landscape and crop ET calculation used in the EA are substantially different from the recycled water applications rates set for the Windsor Water district, the nearest permitted recycled water producer to the site. Site-specific and ET rates should be used to recalculate, together, for a more realistic estimate of the volume of effluent that could be discharged to Pruitt Creek to fully evaluate impacts related to onsite recycled water use and storage.

Recycled Water Reuse

The Proposed Project relies on dry season use and disposal of recycled water, but has not demonstrated adequate opportunities to reuse the volume of wastewater projected to be produced at the site. Eleven acres of off-site vineyards are an optional component of the recycled water balance; however, the proposed irrigation sites have not been identified. The Proposed Project includes use of recycled water for dual plumbing and toilet flushing, however the State Division of Drinking Water (DDW) and applicable regulations do not permit recycled water use in food service buildings, such as restaurants and bars. The stated reliance on State standards is misleading. The recycling of water should be a concrete mitigation measure, with an analysis of the impacts of that mitigation. The analysis should include a realistic estimate of recycled water production, reasonable estimates for recycled water reuse based on acceptable ET rates, and identification of all on-site and off-site recycled water use and disposal options consistent with Title 24.

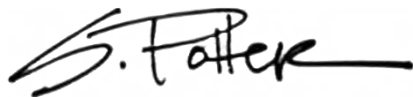
Biosolids and Brine

Proposed wastewater treatment would produce biosolids and brine that would require disposal. The EA indicates that biosolids produced by the WWTP would be dewatered on-site and periodically hauled to a Class III landfill. In the very near term, State landfill diversion targets (per SB 1383) will require the diversion of biosolids from landfills, and recent CalRecycle regulations have already clarified that biosolids cannot be exempted from diversion targets as alternative daily cover. State law requires a 75 percent reduction in the landfilling of organic wastes by 2025. In addition, biosolids from WWTPs contain constituents of concern, including PFAS (per- and polyfluoroalkyl substances), and both direct and lifecycle impacts of these contaminants should be analyzed. Pyrolysis and disposal that does not involve land application has other foreseeable impacts. Proposed disposal sites that can accept biosolids and brine may be located at great distance for the Proposed Project site so associated transport greenhouse gas emissions and secondary impacts should be evaluated.

CONCLUSION

In conclusion, the Proposed Project may have significant impacts that have not been fully analyzed and additional investigation is needed. The EA does not present adequate evidence to support the conclusion that there will not be significant water resource impacts. Potential project and secondary impacts have not been fully analyzed and the EA lacks information essential for a reasoned choice of alternative development proposals for the site. In light of these deficiencies, we recommend preparation of an Environmental Impact Statement.

Sincerely,
WEST YOST

A handwritten signature in black ink, appearing to read "S. Potter", with a long horizontal stroke extending to the right.

Sandi Potter, PG, CEG
Senior Technical Specialist I

PG No. 5610
CEG No. 2170

EXHIBIT B



Sonoma
Water

MEMORANDUM

DATE: October 27, 2023

TO: Verne Ball, Deputy County Counsel

FROM: **Jeff Church, Senior Environmental Specialist at Sonoma Water**

PROJECT: Koi Nation Casino Environmental Assessment

SUBJECT: Documentation of observations of steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek, Windsor California.

A few notes on observations of both resident rainbow trout and anadromous steelhead salmon (*Oncorhynchus mykiss*) in Pruitt Creek near Windsor, California.

The monitoring site was located in a reach of Pruitt Creek that crosses Faught Road, southeast of Windsor California. Observations were made on the upstream and downstream sides of Faught Road, including upstream to the creek culvert at Shiloh Ridge Road (approximately 450 linear feet of stream length). Pruitt Creek is perennial in pools immediately downstream of Faught Road and upstream of Faught Road approximately 0.5 miles as observed. Pruitt Creek transitions to an intermittent and ephemeral stream approximately 100 feet downstream of Faught Road during the dry season.

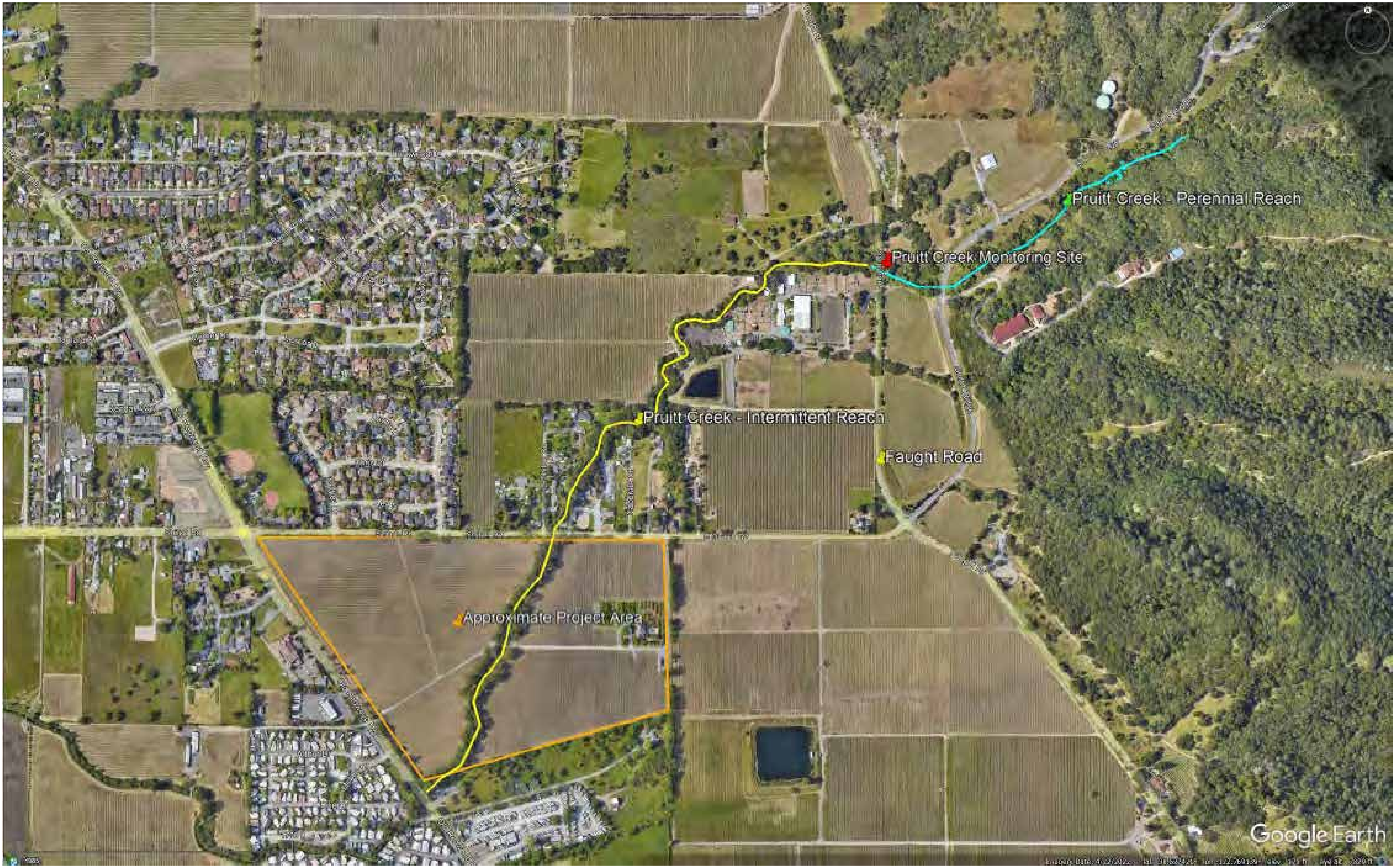
Monitoring began on December 7, 2001 and continued through July 28, 2016. Monitoring began as an effort to record water temperature measurements to determine whether Pruitt Creek could serve as a potential reference stream in the Russian River Watershed. As a reference stream it could provide information on natural water temperature patterns and ranges that could be expected to occur in similar sub-watersheds within the Russian River basin. Monitoring also included observations for the presence of steelhead salmon. Positive observations of the presence of steelhead coupled with water temperature data could be used to determine if water temperature regimes in Pruitt Creek (and similar sub-watersheds) are suitable for steelhead long-term survivability.

Monitoring frequency varied, with monitoring occurring as frequently as several times a day to as little as once or twice a week or monthly.

Steelhead were observed in all years of monitoring except during the beginning of the effort in December 2001 and winter/spring 2002 due to high turbidity (and low visibility) from a failed culvert and earthen creek crossing upstream of the monitoring location. The culvert and earthen crossing were removed and the site restored in late 2002 to early 2003. The majority of observations included resident rainbow trout of several age classes including fry and young of the year. Adult anadromous steelhead were observed migrating upstream on two different

occasions. The first observation occurred on February 3, 2008 and included one adult steelhead (approximately 18-20 inches in length) in a pool upstream of Faught Road but carried downstream to a pool below the Faught Road crossing. The second observation occurred on February 13, 2008 and included one adult steelhead (approximately 24 inches in length) under the Faught Road Bridge that also moved into the pool downstream of the crossing. This observation included a second smaller fish, approximately 10 to 12 inches in length.

Adult steelhead were also observed in Pool Creek downstream of the confluence with Pruitt Creek in a pool underneath the pedestrian bridge at Windsor Golf Course. Two separate observations of individual adult steelhead were made while golfing in the late 2000s or early 2010s. Observations were not part of a monitoring effort but were happenstance while golfing and so the dates are not exact, but the time period is accurate. Time of year was spring.



Pruitt Creek - Perennial Reach

Pruitt Creek Monitoring Site

Pruitt Creek - Intermittent Reach

Faught Road

Approximate Project Area

EXHIBIT C



MEMORANDUM

To: Verne Ball, Deputy County Counsel
From: Robert Pennington, Professional Geologist
Date: November 07, 2023
Subject: Koi Nation Casino Environmental Assessment, Pruitt Creek Observations

Dear Verne,

I reviewed the Environmental Assessment (EA) for the Koi Nation of Northern California Shiloh Resort and Casino Project, Sonoma County, California, prepared by Bureau of Indian Affairs. I found the EA to be lacking in site specific analysis, particularly in regard to water supply and wastewater. This memo documents observed conditions in Pruitt Creek and discusses limitation to discharge of treated effluent to this waterway.

The National Hydrography Dataset identifies Pruitt Creek as intermittent, meaning that it has little or no flow for a substantial duration of the year. Local hydrologists and fish biologist know the Pruitt Creek near the project site to be dry for much of the year, even during the winter wet season, unless there have been substantial rains in the preceding months.

To verify stream conditions, I conducted a site visit on the morning of October 27th, 2023, and observed Pruitt Creek at the bridge crossing at Old Redwood Highway located immediately downstream of the project site. The creek was observed to be dry with no residual pools or standing water visible within 30 feet upstream or downstream of the bridge. See Figures 1 and 2. Note, the site visit was conducted on October 27, within what is considered the wet season.

The fact that Pruitt Creek in the vicinity of the project site is dry for much of the year presents a substantial limitation for the discharge of treated wastewater. The estimated average wastewater generation is 232,000 gallons per day (gpd) with an average weekend peak estimated at 335,000 gpd. During the dry season, wastewater would be used for vineyard irrigation and the remainder would be stored. During the wet season, stored and treated wastewater would be discharged to Pruitt Creek. This has the potential to impact water quality and instream habitat for listed threatened and endangered species.

The North Coast Regional Water Quality Control Board (Regional Board) Basin Plan prohibits effluent discharges from Wastewater Treatment Plants to the Russian River and its tributaries between May 15 and September 30 to ensure that these water bodies do not become effluent-dominated streams. The EA acknowledges that discharge in the wet season (October 1 to May 14) will likely be limited to 1% of flow at the proposed outfall in Pruitt Creek. The EA assumes that streamflow of Pruitt Creek at the site is consistent with a U.S. Geological Survey (USGS) gauging station #11466800 located 5.5 miles downstream. USGS gauge



#11466800 has a contributing watershed area of 251 square miles. The contributing watershed area of Pruitt Creek at the Old Redwood Highway is 2.1 square miles, approximately 120 times smaller than the watershed area of the gauge used to estimate flow. Thus, the EA's analysis significantly overestimates streamflow of the site and the capacity for Pruitt Creek to dilute discharged wastewater. Similarly, the EA's analysis using overestimated streamflow vastly underestimates the required storage for recycled water. Recycled water storage volumes must be sized for worst case drought conditions when flows in Pruitt Creek are lowest and dry or very low streamflow conditions may extend into much of the wet season.

It is recommended that multiple years of continuous streamflow data be collected at the site, including during at least one year of severe drought. These data could then be regressed with gauge records from nearby gauging stations with longer records to reconstruct a defensible streamflow hydrograph for the site on which to design wastewater disposal systems and analyze potential impacts.

In addition to streamflow, it is recommended that water quality be sampled including temperature, pH, dissolved oxygen, nitrates, and phosphates. These data are necessary to design and assess the feasibility of the proposed wastewater treatment and disposal system, and to evaluate potential impacts to water quality, aquatic habitat, and beneficial uses of Pruitt Creek and the Laguna de Santa Rosa.



Figure 1. Image looking upstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.



Figure 2. Image looking downstream of Pruitt Creek at Old Redwood Highway on October 27, 2023.

EXHIBIT D

RIVER ROCK TO DEFAULT ON BONDS: TRIBE TO MISS INTEREST PAYMENT, SAYS CASINO WILL REMAIN OPEN

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville. | 

ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

BY ROBERT DIGITALE AND CLARK MASON / THE PRESS DEMOCRAT

May 29, 2014

The business arm of the Dry Creek Rancheria Band of Pomo Indians notified investors Wednesday that it will default on millions of dollars in bonds used to build River Rock Casino near Geyserville.

The River Rock Entertainment Authority announced it will not be making the May interest payment due Saturday on two outstanding notes, automatically triggering a default on the bonds.

The tribe emphasized the Alexander Valley casino will remain open for business. But it remains to be seen how the default may impact investors and tribal members who receive payments from the casino's profits.

"Although the scheduled interest payment will not be made, we want to assure our customers, vendors and employees that we are generating sufficient funds to operate our business and provide the excellent customer service that our patrons expect," David Fendrick, the casino's CEO and general manager, said in a statement.

The default comes just six months after the opening of a rival casino adjacent to Rohnert Park, which has cut into River Rock's revenues and drawn away gamblers that once flocked to the Alexander Valley casino.

"Our immediate focus is identifying cost savings opportunities to adjust to the challenges of our new competitive environment," Fendrick said.

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The tribe also has brought in consultants to help analyze the casino's marketing efforts, Dry Creek Tribal Chairman Harvey Hopkins said Wednesday. Tribal leaders are "looking at all options," he said in a brief interview.

"We've been constantly meeting with management of the casino, attorneys and financial advisers," Hopkins said. "It's been a long road to get here."

The River Rock Entertainment Authority, an unincorporated governmental arm of the tribe, on May 1 announced that it had failed to make the scheduled interest payment for the month. The authority said it would use a 30-day grace period to reduce costs and to have what Fendrick then characterized as "significant dialogue with our bondholders."

River Rock opened in 2002 as Sonoma County's first tribal casino. To finance construction, the tribe sold \$200 million in senior notes to investors at 9.75 percent interest.

In 2011, the tribe restructured the debt after two rating agencies warned that the business otherwise faced a high risk of default. About \$50 million of that debt since has been repaid, Hopkins said in March.

But Hopkins also acknowledged that River Rock's revenues had declined by more than 30 percent since the Graton Resort & Casino opened in Rohnert Park in November. The new casino is closer to Bay Area gamblers and has roughly five times the space of the 61,000-square-foot River Rock facility.

As a result of the drop in revenues, the Dry Creek tribe has cut per capita payments to its 640 members over the age of 18, Hopkins said in March. In total, the tribe has nearly 1,040 members.

On Saturday, the tribe will default on two bonds: its 9 percent Series A Senior Notes and its 8 percent Series B Tax-Exempt Senior Notes, both due in 2018.

The tribe's announcement did not disclose the size of the interest payment that is due Saturday or the amount of outstanding debt it owes to bondholders.

The default will trigger a "waterfall agreement" that dictates the use of the authority's cash flow, according to the announcement.

Analysts who follow the Indian gaming market have noted that creditors of tribal casinos can't seize assets as might be done under a normal loan default. Instead, they suggested that River Rock may once more seek to restructure its debt, possibly by winning concessions from creditors in regard to the repayment of both principal and interest.

A bondholder on Wednesday seemed to take the default in stride.

"I'm not happy about it," said Mike Hudson, an Indiana man who has owned River Rock bonds for more than five years. "There are many options on the table. This is just the beginning of the next chapter. It's not gloom and doom."

Hudson said that by missing the interest payment, the tribe will be subject to having the casino revenues overseen by a trustee for the bondholders.

"Instead of a democracy, it will be more of a dictatorship," Hudson said. "A professional manager will come and manage the way they see best for the benefit of creditors, not the tribe. Essentially, they've conceded control of the casino."

"It will probably work out. Most of these things usually do," he concluded.

The River Rock Entertainment Authority has retained the law firm Holland & Knight LLP as its legal adviser and will use Stuyvesant Square Advisors Inc. as its financial adviser.

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EXHIBIT E



**BAY AREA AIR QUALITY
MANAGEMENT DISTRICT**

California Environmental Quality Act
Air Quality Guidelines
Appendix B:
**CEQA Thresholds for Evaluating
the Significance of Climate Impacts
From Land Use Projects and Plans**

April 2022



These guidelines are nonbinding recommendations, intended to assist lead agencies with navigating the CEQA process. They may be updated as needed in the future, and any updates will likewise be nonbinding and advisory.

1 INTRODUCTION AND EXECUTIVE SUMMARY

This report presents the Bay Area Air Quality Management District's (Air District's) recommended thresholds of significance for use in determining whether a proposed project will have a significant impact on climate change. The Air District recommends that these thresholds of significance be used by public agencies to comply with the California Environmental Quality Act (CEQA).

Evaluating climate impacts under CEQA can be challenging because global climate change is inherently a cumulative problem. Climate change is not caused by any individual emissions source but by a large number of sources around the world emitting greenhouse gases (GHGs) that collectively create a significant cumulative impact. CEQA requires agencies in California to analyze such impacts by evaluating whether a proposed project would make a "cumulatively considerable" contribution to the significant cumulative impact on climate change. (See CEQA Guidelines Sections 15064[h] and 15064.4[b].)¹ But CEQA does not provide any further definition of what constitutes a cumulatively considerable contribution in this context. These thresholds of significance are intended to assist public agencies in determining whether proposed projects they are considering would make a cumulatively considerable contribution to global climate change, as required by CEQA.

The Air District's recommended thresholds of significance are summarized below, with a detailed discussion of the basis for the thresholds presented in the remainder of this report. The information provided in this report is intended to provide the substantial evidence that lead agencies will need to support their determinations about significance using these thresholds. This information also provides the substantial evidence to support adoption of these thresholds by the Air District's Board of Directors. (See CEQA Guidelines Section 15064.7 [thresholds must be adopted by the Board of Directors through a public review process and be supported by substantial evidence].)

1.1 THRESHOLDS FOR LAND USE PROJECTS

For land use development projects, the Air District recommends using the approach endorsed by the California Supreme Court in *Center for Biological Diversity v. Department of Fish & Wildlife* (2015) (62 Cal.4th 204), which evaluates a project based on its effect on California's efforts to meet the State's long-term climate goals. As the Supreme Court held in that case, a project that would be consistent with meeting those goals can be found to have a less-than-significant impact on climate change under CEQA. If a project would contribute its "fair share" of what will be required to achieve those long-term climate goals, then a reviewing agency can find that the impact will not be significant because the project will help to solve the problem of global climate change (62 Cal.4th 220–223).

¹ The 2021 State CEQA Guidelines, including Appendices F and G, can be found at the following website: https://www.califaep.org/docs/CEQA_Handbook_2021.pdf.



Applying this approach, the Air District has analyzed what will be required of new land use development projects to achieve California’s long-term climate goal of carbon neutrality² by 2045. The Air District has found, based on this analysis, that a new land use development project being built today needs to incorporate the following design elements to do its “fair share” of implementing the goal of carbon neutrality by 2045:

Thresholds for Land Use Projects (Must Include A or B)

A. Projects must include, at a minimum, the following project design elements:

1. Buildings
 - a. The project will not include natural gas appliances or natural gas plumbing (in both residential and nonresidential development).
 - b. The project will not result in any wasteful, inefficient, or unnecessary energy usage as determined by the analysis required under CEQA Section 21100(b)(3) and Section 15126.2(b) of the State CEQA Guidelines.
2. Transportation
 - a. Achieve a reduction in project-generated vehicle miles traveled (VMT) below the regional average consistent with the current version of the California Climate Change Scoping Plan (currently 15 percent) or meet a locally adopted Senate Bill 743 VMT target, reflecting the recommendations provided in the Governor’s Office of Planning and Research’s Technical Advisory on Evaluating Transportation Impacts in CEQA:
 - i. Residential projects: 15 percent below the existing VMT per capita
 - ii. Office projects: 15 percent below the existing VMT per employee
 - iii. Retail projects: no net increase in existing VMT
 - b. Achieve compliance with off-street electric vehicle requirements in the most recently adopted version of CALGreen Tier 2.

B. Projects must be consistent with a local GHG reduction strategy that meets the criteria under State CEQA Guidelines Section 15183.5(b).

If a project is designed and built to incorporate these design elements, then it will contribute its portion of what is necessary to achieve California’s long-term climate goals—its “fair share”—and an agency reviewing the project under CEQA can conclude that the project will not make a cumulatively considerable contribution to global climate change. If the project does not incorporate these design elements, then it should be found to make a significant climate impact because it will hinder California’s efforts to address climate change. These recommended thresholds for land use projects are discussed in more detail in Section 4.

² “Carbon neutrality” is defined in Executive Order B-55-18 as the point at which the removal of carbon pollution from the atmosphere meets or exceeds carbon emissions. Carbon neutrality is achieved when carbon dioxide and other GHGs generated by sources such as transportation, power plants, and industrial processes are less than or equal to the amount of carbon dioxide that is stored, both in natural sinks and mechanical sequestration.



EXHIBIT F



The County of San Diego

Planning Commission Hearing Report

Date:	July 22, 2022	Project:	Transportation Study Guide to Implement Vehicle Miles Traveled Analysis
Place:	County Operations Center (COC) Hearing Room 5520 Overland Avenue San Diego, CA 92123	Case/File No.:	N/A
Time:	9:00 a.m.	Location:	All Districts
Agenda Item:	#7	General Plan:	Various
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Various
Applicant/Owner:	County of San Diego	Communities:	All unincorporated communities
Environmental:	Notice of Exemption; CEQA Section 15378 and 15060(c)(3)	APNs:	Various

A. OVERVIEW

The purpose of this staff report is to provide the Planning Commission with the information necessary to make a recommendation to the Board of Supervisors (Board) to adopt, adopt with modifications, or not adopt the proposed Transportation Study Guide (TSG). The revised TSG aligns with State guidance and establishes a threshold based on the regional average Vehicle Miles Traveled (VMT), which includes the entire San Diego region. The TSG also identifies Infill Areas where no VMT analysis or mitigation would be required for future development projects. The TSG also includes other standards and criteria that would be used to evaluate projects, including small projects, locally serving projects and public facilities. The TSG describes the process and procedures for project applicants to use when preparing transportation analyses for projects in the unincorporated area. If adopted, projects could use the TSG immediately as the basis to address the transportation effects of projects.

B. RECOMMENDATIONS

This is a request for the Planning Commission to consider the proposed Transportation Study Guide (TSG) and make recommendations to the Board. Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Find that the proposed resolution complies with the CEQA and State and County CEQA Guidelines because the resolution is: (1) not a project as defined in the Public Resources Code section 21065

and CEQA Guidelines section 15378, and is therefore not subject to CEQA pursuant to CEQA Guidelines sections 15060(c)(3); (2) categorically exempt pursuant to section 15308 of the CEQA Guidelines because this action will enhance and protect the environment; and (3) subject to the common sense exemption, CEQA Guidelines section 15061(b)(3), because the resolution implements existing law and therefore it can be seen with certainty that there is no possibility that it may have a significant effect on the environment.

2. Recommend that the Board of Supervisors adopt the Resolution:

RESOLUTION OF THE COUNTY OF SAN DIEGO BOARD OF SUPERVISORS ADOPTING THE TRANSPORTATION STUDY GUIDE INCLUDING TRANSPORTATION THRESHOLD OF SIGNIFICANCE FOR VEHICLE MILES TRAVELED

C. BACKGROUND

In 2013, the State of California (State) passed Senate Bill 743 (SB 743), which changes how jurisdictions, including the County of San Diego (County), are required to analyze transportation impacts from projects under the California Environmental Quality Act (CEQA). CEQA was signed into law in 1970 to provide standards for regulating pollution and preserving the natural environment. CEQA requires California's public agencies and local governments to measure the environmental impacts of development projects or other major land use decisions and to limit or avoid those impacts when possible. State CEQA Guidelines encourage lead agencies, like the County, to develop and publish guidelines to describe the level at which the environmental impacts become significant and therefore need to be reduced and/ or mitigated, or offset. These are called thresholds of significance. SB 743 required local jurisdictions to shift their environmental impact analysis for transportation from using traffic congestion or "level of service" (LOS) to Vehicle Miles Traveled (VMT) starting July 1, 2020. VMT replaces motorist delay and associated level of service (LOS) as the metric for analysis of transportation impacts under CEQA.

Although traffic congestion measured the impact on the driver, VMT is intended to balance the needs of congestion management with statewide goals to reduce greenhouse gas (GHG) emissions, encourage infill development, and improve public health through more active transportation, such as walking and biking. VMT is calculated by determining the distance and number of vehicle trips generated from a home or business. When analyzing a project's impact on the environment from VMT, a lead agency can provide guidance on impacts from VMT by comparing the estimated VMT from the project to the average VMT in a defined area.

SB 743 does not require local agencies to adopt guidelines or to establish a threshold for VMT; however, agencies may adopt guidelines and thresholds after public review, and these guidelines and thresholds must be supported by substantial evidence. If an agency does not adopt guidelines or thresholds, each project must develop a specific threshold to determine whether the project's impacts will be significant under CEQA.

When analyzing a project's impact on the environment from VMT, the estimated VMT from the project is compared to the average VMT in a defined area. If a project decreases VMT from existing conditions within the defined area, it may be considered to have a less than significant impact on transportation, depending on the decrease. A project can also be considered to have a less than significant impact on VMT if it generates less than a specified number of average daily trips. Other criteria can also be used

to determine if a project has a less than significant impact from transportation on the environment, such as projects that are adjacent to existing major transit facilities.

Projects found to have a significant impact on the environment under CEQA are required to mitigate for, or offset, those impacts where feasible. Mitigation includes projects that reduce VMT like installing bike lanes and sidewalks, which reduce driving and vehicle trips. Because a project's VMT is largely based on the location of the project, which cannot easily be changed, mitigating for significant VMT impacts can be difficult to accomplish without a defined mitigation program in place. Mitigation for transportation impacts can also be costly. Therefore, using VMT as the metric for analyzing transportation impacts under CEQA incentivizes development in higher density areas near transit with a diverse mix of uses, and disincentivizes it in lower density areas that are more distant from jobs, services, and transit.

A transportation analysis involves determining the project's VMT using nationally adopted traffic standards and modeling and comparing those to something like a regional VMT average. Then for a project to be considered efficient, it is compared to a threshold that is also adopted by a jurisdiction, such as 15 percent below the regional VMT average, which is the threshold recommended by the Governor's Office of Planning and Research (OPR). If the average VMT is below the threshold, the project does not have a significant VMT impact and can move forward, without further VMT analysis.

If the average VMT for the project exceeds the threshold, the project must propose mitigation to reduce the project's VMT to below the threshold (i.e., by providing multimodal or transit infrastructure or other measures to reduce or offset VMT). If the project cannot reduce their VMT to below the threshold, an Environmental Impact Report (EIR) is required with a statement of overriding considerations for the project's significant and unavoidable transportation impacts. VMT is one of multiple subject matter areas analyzed under CEQA. Even if a project does not have a VMT impact, the project still requires environmental review for other CEQA environmental subject matters like biology, cultural resources, and fire hazards.

OPR prepared a Technical Advisory document to assist local agencies when developing their own guidelines for the assessment of VMT, thresholds of significance, and mitigation measures. OPR stated that lead agencies have the discretion to set or apply their own thresholds of significance. Based on staff's research, jurisdictions across the state have taken different approaches to implement VMT. Of the 58 counties in the state, 16 adopted their own VMT guidelines, nine chose to rely on OPR guidance and not adopt their own guidelines, and 33 have no guidance, so projects develop their own VMT analysis on a case-by-case basis. Of the 16 counties that adopted their own VMT guidelines, eight counties adopted a threshold based on the unincorporated area average, six adopted a threshold based on the regional average, and two counties chose other alternatives.

On June 24, 2020 (6), the Board of Supervisors (Board) adopted a Transportation Study Guide (TSG) for the unincorporated area, a technical guide for analyzing transportation impacts for projects using VMT. The TSG described the process and procedures for project applicants and their consultants to use when preparing transportation analyses. The TSG also included a methodology referred to as Local Mobility Analysis (LMA) to meet the County's General Plan requirement for a Level of Service (LOS) D (which is considered a stable flow of traffic with an acceptable level of delay) or better and to ensure the safe operations of the roads for all users including bicyclists and pedestrians. In September 2020, Cleveland National Forest Foundation, Coastal Environmental Rights Foundation, and the Sierra Club filed suit against the County, alleging adoption of the TSG violated CEQA and SB 743.

On May 19, 2021 (1), the Board received an overview of how VMT implementation was progressing nearly a year after adoption of the County's TSG. Staff also requested the Board to provide direction on potential updates to the VMT thresholds used to evaluate the significance of a project's transportation impacts, including options for using an unincorporated area average, sub-areas average, or a regional average to measure existing average VMT, and the screening level threshold for "small" projects that should be exempt from performing additional transportation analysis. A project is considered "small" if it generates less than 110 Average Daily Trips (ADT). The Board was also given the option to leave the existing TSG in place.

After receiving the update, the Board provided direction to explore 13 items related to VMT:

1. Assess and explore the process by which infill development can be done in a manner to ensure no VMT mitigation is necessary.
2. Explore the potential creation of transit accessible areas and look at the intersection between VMT efficient areas or lower thresholds in accordance with the areas that do not require further analysis. Explore the potential transit corridors and look at the SANDAG Regional Transportation Plan (RTP), Metropolitan Transit System (MTS), North County Transit District (NCTD), and other possible areas and how that may impact VMT efficient areas or areas covered by the exemption.
3. Explore programmatic or plan-level mitigation opportunities for VMT, including the concept of a regional mitigation bank.
4. By-right process for development in VMT efficient areas.
5. Further exploration of exceptions to the VMT thresholds for affordable housing projects at less than 100 percent affordable, including mixed income and various components of Area Median Income (AMI), along with exploring the possibility of exceptions for middle income or workforce housing, local hire, and agriculture type projects that might have a net impact of lowering VMT.
6. Explore land use density of land that is in VMT efficient areas.
7. Continue to track guidance from the California Office of Planning and Research (OPR), along with other governing body efforts, including the SANDAG RTP.
8. Monitor the progress of other jurisdictions as it relates to their adoption, along with what unique programs, exemptions, or opportunities they may be exploring that the County may want to consider.
9. Consider a phase-in timeline to allow for a transition into a regional geography.
10. Consider compliance options for projects that have already been proposed or are in the process now.
11. Conduct an analysis of the options to remove the Local Mobility Analysis.
12. Inform the Board regarding updates on development of the Smart Growth component of the Climate Action Plan (CAP) Update and Supplemental EIR to ensure it is integrated and aligned with efforts around VMT.
13. Conduct an analysis of proposed housing projects designated for individuals under 60 percent AMI and under 80 percent AMI and the potential cost impact of switching to a regional geography.

After the May 19, 2021 Board meeting, OPR clarified that "regional" is defined as the full geography within the jurisdictional borders of a Metropolitan Planning Organization (MPO) or a Regional Transportation Planning Agency (RTPA). For San Diego County, this is the San Diego Association of Governments (SANDAG) region, which includes the entire county. Previously, in its 2018 guidance, OPR recommended that for projects in the unincorporated area, the lead agency compare a project's VMT to

a “citywide” average VMT or the “region’s” average VMT. For example, the City of San Diego could evaluate a project’s VMT compared to the citywide average or the overall region’s average. For comparison, the VMT threshold using the unincorporated average is 23.4 miles and the threshold using a regional average is 16.9 miles (average reduced by 15 percent as recommended by OPR).

Although the OPR Technical Advisory is intended to provide advice and recommendations and is not mandatory, as directed by item 7 above, staff returned to the Board on September 15, 2021 (1) with this new guidance, and the Board adopted a resolution to rescind the County’s TSG based on OPR’s updated guidance that the County should use the regional average VMT for projects in the unincorporated area.


On February 9, 2022 (7), the Board received the presentation and overview of the 13 items and provided direction on options to implement analysis of transportation impacts of proposed projects under CEQA using VMT in two phases.

Phase one included the following:

1. Prepare a revised TSG using a regional geography, circulate it for a 30-day public review, and return to the Board within six months for consideration with a cost of \$100,000. The revised TSG should also include the following:
 - a. Develop new VMT screening criteria for projects within Infill Areas and any surrounding “Village” as identified in the General Plan, excluding areas outside of existing or planned transit and areas mapped as High and Very High Fire Hazard Severity Zones. The screening criteria will allow projects located in Infill Areas and any surrounding “village” to move forward without VMT analysis or mitigation. This option would allow up to 5,870 homes to move forward without VMT analysis based on the General Plan (Infill Areas combined with VMT efficient areas). Projects located outside these areas will need to conduct a VMT analysis and propose mitigation to reduce their impacts.
 - b. Adopt the 110 average daily trips small project screening criteria.
 - c. Adopt OPR recommendation to screen out projects with 100 percent affordable housing from VMT analysis.
 - d. Require an LMA. The LMA for discretionary projects would be used to evaluate road operations, traffic safety, and access. The study scope of LMA has been reduced when compared to the previous CEQA required traffic analysis based solely on Level of Service prior to the implementation of SB 743 in that the area evaluated is limited to intersections located near the project with the primary focus on traffic safety and not roadway capacity.
2. Directed staff to return with options for a sustainable land use framework (Option 6-D). Staff also recommends the Board direct staff to prepare options for further direction to inform the development of a sustainable land use framework for Board consideration and return to the Board in 120 days. Options would include the following: identification of principles for sustainable development that could inform future land use decisions; and comparison of planning mechanisms to implement Board directed principles, including zoning overlays, specific plans, community plan updates, or a general plan update and return to the Board within 120 days, including how to add a parcel-by-parcel analysis and convene stakeholder groups around the issue of addressing the additional considerations that would facilitate development in VMT exempted areas at a later date.

EXHIBIT G

Inside the fight to save Windsor from the Kincadee fire

Officials were told Windsor would almost certainly lose homes to the Kincadee fire, but not a single house was lost, thanks to hundreds of firefighters who braved great peril to face down a surging wildfire on Oct. 27. | 



SLIDE 1 OF 30

Santa Monica Fire Department firefighters Armando Reyes, left, and Andrew Klein quickly bundle their fire engine's hose to move to protect a different structure during the Kincadee fire on Los Amigos Road in Windsor on Sunday, Oct. 27, 2019. (ALVIN JORNADA/ PD)

MARY CALLAHAN
THE PRESS DEMOCRAT
November 9, 2019

Flames were sweeping down the grassy slopes of Foothill Regional Park toward the near-empty town of Windsor when Sonoma County Fire District Battalion Chief Mike Elson drove up Cayetano Court and realized the moment they had all been bracing for had come.

Two-story flames and glowing firebrands whirled through the smoke-darkened skies, setting fences and trees ablaze, lighting landscaping and, soon, sparking fires at several homes in the neighborhood, as well.

The marauding Kincadee fire had been bearing down on Windsor all morning, burning its way through a rural landscape across a wide area north of town, where an army of firefighting forces stood ready to face it late in the morning of Oct. 27.

But it would be northeast Windsor, in and around hundreds of homes in the Foothill Oaks Estates, where they confronted the biggest threat - a near-overwhelming battle to keep the blaze from taking the neighborhood and the town.

Scores of firefighters took part in the initial attack, making a stand amid the chaos, barely daring to hope they would prevent the fire from ripping through town, let alone sweeping across Highway 101 and burning a trail of destruction all the way to the coast.

"That fire coming off of Foothill Park, that fire was coming off that hill very quickly, and it was massive," said Elson, who was leading a nine-engine task force but eventually took command of the Foothills campaign. "It was a massive firefight. There were flames up over the tops of houses ... and those are mostly two-story houses, so they were 30, 40 feet in the air."

But in what became a pivotal juncture in the two-week effort to beat back Sonoma County's largest wildfire ever, the battle for Windsor spared every single home in the town of 27,000 people and substantially curbed the fire's spread.

Sonoma County fire officials credit 200 firefighters or more, both local and from outside the area, who jammed into the neighborhood and simply refused to give way to the flames.

They fought house-to-house, confronting the blaze so aggressively they pushed the boundaries of personal safety to the very limit - to the point Sonoma County Fire District Chief Mark Heine said he came close to ordering crews to fall back in a few cases.

"That was very dangerous firefighting in there," Heine said. "To enter someone's backyard, where everything in their backyard was on fire, meant they didn't know if they could get themselves back out. There was just that spirit of, 'We're not letting this fire come to our town.'"

It came frighteningly close, making innumerable forays into the Foothills area, a neighborhood of several hundred homes tucked up against the hills of the regional park east of Arata and Hembree lanes in the northeast section of Windsor.

Particularly vulnerable were about 150 homes arrayed around cul-de-sacs, many of which had backyards exposed to the park or connected landscape, often separated from the parklands only by wire fencing.

But ferocious winds that sent sparks and flaming debris well ahead of the fire front that day meant anywhere in the neighborhood or even within a mile or two was at risk of blown embers and fire starts.

Were the fire to get established in even two or three homes, generating intense heat, large flames and embers, "We were likely to lose that whole neighborhood," Heine and others said.

Residents who returned to the area days later found singed trees and burned gardens, lengths of fencing turned to charcoal, ash-covered ground where the flames had spread directly from the blackened hills of Foothill park into their backyards. There were scores of places - outdoor sofa cushions, patches of grass, Halloween decorations - that had caught fire and been put out.

Firefighters had to kick down doors in a few cases to douse attic fires after embers ignited rooftops or burned fencing up to exterior walls like they did at Michelle and Brad Stibi's place on Valle Vista Court.

"We were the loop on national TV," Michelle Stibi, 50, said, her expression suggesting she was none too impressed with the celebrity brought by widely shared footage of the firefight in her yard. "This is going to be a concrete jungle when Brad gets done with it."

Fire officials say it would have been worse if it weren't for the stucco and tile or concrete roof construction that dominates the Spanish-styled Foothill Oaks Estates subdivision that makes up most of the area between Hembree Lane and Vinecrest Road, where the firefight took place.

"Some of those embers were still getting up into those eaves," Elson said, "but construction features that they built into those neighborhoods definitely helped."

A far more critical factor was the early evacuation of residents, clearing the way for firefighters to battle flames and defend property without the need to commit time and attention to rescue efforts. Saving lives and getting people out had completely consumed public safety personnel during the early phase of the 2017

Tubbs fire, which swept across Sonoma County from Calistoga by night with such speed that hundreds were trapped in their homes and neighborhoods and forced to flee through the flames.

"If people had stayed in those homes in Foothill, they would have died," Heine said starkly, "and if not, it would have created such a complex issue for us that we wouldn't have been able to fight the fire. It allowed us to focus on the fire and not life-safety and rescue."

The 77,758-acre Kincadee fire, now 100% contained, started many miles north of Windsor, atop The Geysers, during extremely strong winds the night of Oct. 23. It had burned virtually unchecked for four days along a mostly southerly path before it rushed toward Windsor during a period of rapid, wind-driven growth around midday Oct. 27.

Sonoma County Sheriff Mark Essick had ordered all Windsor residents to leave home a day earlier in what would be a succession of evacuations that cleared out a huge swath of Sonoma County. More than a third of the county's population was under mandatory evacuation order, from Geyserville and Alexander Valley down to north Santa Rosa, and west to Jenner and Bodega Bay.

Hurricane-force winds coming out of the northeast and fire forecast modeling had contributed to the same terrifying prediction: that an unstoppable firestorm could burn through Windsor and jump the freeway into the thickly forested Russian River Valley, where flames fed by dense fuels unburned for decades would run all the way to the Pacific Ocean.

Public safety officials alerted the public to this "worst-case scenario" when evacuation orders were issued.

But it's not clear how many civilians appreciated the very real possibility of it coming to pass.

Most Californians are certainly aware of the increasing intensity of and destruction wrought by recent wildfires, experienced close to home in October 2017, when a series of fires rampaged through the region, killing 24 people in Sonoma County and destroying more than 5,300 homes.

But even Windsor Mayor Dominic Foppoli, during a celebration of the town's endurance last weekend, felt compelled to ensure his constituents understood the gravity of what they had faced a week earlier.

Foppoli, 37, said top fire brass briefed him and other town officials a short time before Essick ordered Windsor and Healdsburg to evacuate the morning of Oct. 26 and told them at least part of their community would likely be lost to fire before the flames continued westward.

"This was not an 'if,' but it was a 'when,'" Foppoli told an estimated 4,500 who gathered in the town square to salute firefighters.

But there was positive side, too, Sonoma County Fire District Battalion Chief Marshal Cyndi Foreman said.

All the mapping, modeling and intelligence put Windsor squarely in the bull's-eye of the wildfire, Foreman said, so "we knew that we were not going to dodge this one, but we also knew it was coming."

While the Tubbs fire and last year's deadly Camp fire in Paradise continue to inform firefighters' expectations in an age of extreme fire behavior, the siege on Windsor came with the luxury of time to plan ahead.

"I'll take a disaster that we know is coming all day long, rather than something that's going to wake me up out of a dead sleep that I don't know is coming," Foreman said.

The Kincadee fire was fought under the unified command of Cal Fire, the Sonoma County Sheriff's Department, the Sonoma County Fire District and several other agencies.

But the planning for Windsor was turned over largely to the Sonoma County Fire District and to Battalion Chief Mark Dunn, with the aid of Heine and other top officials, and support from many others, including fire personnel from other agencies who happen to live in northeast Windsor and offered to help.

Nothing less than the fate of the town hung in the balance, and many thought that even if the town were saved, hundreds of homes would be lost first.

Dunn, for instance, thought substantial residential losses were inevitable if the fire got established at Foothill Regional Park, as it did.

"When people have talked to me, I've been so emotional about it," Dunn said. "It's one thing to have a plan and to ask strike team leaders and strike teams and my own department, 'I need you to do this; you're going to go to this neighborhood and try to hold your ground.'

"That's one thing. But they actually did it, and they did it perfectly. So many individual engines from different agencies doing all that," he said. "It was amazing."

The firefighting force had to be ready to meet the blaze coming in from the north or the east - or both, which is how it transpired - and be prepared to hold Highway 101, whatever it might take, Dunn said.

They had to figure out where they might lose control of the fire and identify contingency plans that included lines which, once crossed, would trigger crews to fall back several blocks to preset points. There was even the potential for the fire to take successive neighborhoods, forcing the entire firefighting force to seek refuge across the freeway if it got bad enough.

Dozens of engines were moved into the area by Saturday night, Oct. 26, some staged at the Luther Burbank Center for the Arts in Santa Rosa. Three strike teams of five engines were repositioned in Windsor, a number of them redeployed directly from the 4,615-acre Tick fire that was winding down in Southern California.

Sonoma County Fire District personnel and a fleet of bulldozers also were deployed around Windsor, many of them around Arata Lane and Highway 101/Los Amigos Road, near the command post.

As restless fire officials patrolled rural areas north of town late Sunday morning, around 11 a.m., the fire made a drive for Windsor, sweeping off the hills from Chalk Hill Road in several directions once, fire officials said. One head of the fire was veering past Hillview Road toward Limerick Lane and the highway, while another came down Hillview south toward Brooks Road and Arata Lane, and a third came down Chalk Hill Road toward the area of Vinecrest Road, though eventually the biggest threat came from edges of wildfire that merged in Foothill Park and spread swiftly through the grasses of the 211-acre open space.

Roberto Pardo, 54, and his family, meanwhile, were safely ensconced in a Napa hotel, anxiously monitoring news of the Kincadee fire as they had through the night, when security cameras from his Windsor home began sending snippets of grainy footage to his cellphone.

Just before noon, he saw two fire engines pull into Miramar Court near the west side of Foothill park and observed firefighters go into his neighbors' backyards and his own - ensuring they had access in the event it was necessary, was Pardo's guess. He could see the wind whipping so fiercely it bent one of his palm trees nearly in half.

Then the six firefighters, apparently satisfied, lined up side by side in the road facing east and waited - watching, bracing, for the coming siege.

When he saw a law enforcement vehicle take a last, hasty spin around the court before speeding away - as if checking to make sure everybody was gone - he knew "that the fire was here," Pardo said.

Firefighters were frantically canvassing neighborhoods, moving propane tanks, lawn furniture, umbrellas and whatever flammable items they found away from homes, or kicking down fences to improve access or avoid creating fuses that might help ignite homes.

Sonoma County Fire District Capt. Mike Stornetta, whose own home is mere blocks away, had by then gone looking for the fire, dragging a fire hose into Foothill park with Capt. Fred Leuenberger and confronting it there amid the oak trees. They sounded the alarm in the moments before flames hit Cayetano Court and made entry into the neighborhood behind a number of homes at once.

His report marked the beginning of an epic battle, marked by what Dunn said was suddenly one report after another of the fire's arrival in neighboring cul-de-sacs and the response of dozens of fire crews into the area.

Foreman said, "It was like somebody blew the bugle and the cavalry arrived. You couldn't run 10 or 20 feet without running into another firefighter. There were so many resources that saturated that community."

Even so, it was daunting.

Elsom said he thought for a second about the personal vehicle he had left at the Hembree Lane fire station more than a mile to the south and whether he would have time to move it before the fire got there.

"My gut reaction was that we were going to lose that whole neighborhood," he said.

Foreman remembers a point when the fire came down to Vinecrest Road toward the east edge of town when the whole sky went dark - "like somebody turned the lights off" - perhaps as the fire took three homes up a steep, narrow tail of Vinecrest, just outside the town limits.

In the Foothills neighborhood, the firefight lasted an hour, perhaps 90 minutes, a relentless attack in which each strike team and engine leader was authorized to exercise his or her own discretion as to what was needed to advance the cause.

Many neighborhood residents saw the battle unfold on TV or social media, including a widely watched video shared in real-time where they watched firefighters in their own yards and saw their properties in flames.

"We created a whole text group before we evacuated on Saturday, and we all talked to each other the whole time," said Beverly Madden, who retired to a home at the end of Valle Vista Court a few years ago and was alarmed by the video someone passed her way.

She now has ash across part of her backyard and new landscaping, now probably ruined. But "when we saw the video, compared to when we got here? We feel super, super great."

The fire came within yards of Mike Hoesly's home up a long drive way atop a hill at the north end of Cayetano Court, after "toasting" about two-thirds his vineyard and burning through a good deal of landscaping at the edge of his backyard just off Three Lakes Trail in the regional park.

But he's grateful that firefighters saved his heritage oak - the only thing growing on the property, when he and his wife, Kate, moved there in 1990.

"This could have been so tragic, you know?" said Hoesly, 70. "We just feel kind of like if the home construction had been different, it could have been a domino effect."

There would be more firefighting to do later that day and in the days to come, as the wildfire swept up toward Shiloh Ridge and the Mark West Creek watershed.

But for Elson and others from the district who fought the 2017 Tubbs fire and struggled fruitlessly to try to protect homes they instead watched burn, defending Windsor proved a watershed - a badly needed save, a source of redemption, he said.

"You know," said Stornetta, "with the winds that we were having and, with the experiences that we've had in this area and all over California, I was really not holding out a ton of hope that we were going to be able to save it. However, the mentality that everyone had was, 'Hey, we're not letting this happen again.'"

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CALIFORNIA WILDFIRES

Sonoma County under siege: Kincade Fire forces 90,000 evacuations

Kurtis Alexander, Steve Rubenstein, Alexei Koseff, Demian Bulwa

Oct. 26, 2019 | Updated: Feb. 24, 2020 4:20 p.m.

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1 of 13

Firefighters light back-fires along Pine Flat Road near Geyserville, Calif. on Saturday, October 26, 2019 to head off the Kincade Fire, which has grown to more than 25,000 acres and triggered mandatory evacuations in Windsor, Geyserville and Healdsburg. Kurtis Alexander/Kurtis Alexander / The Chronicle

Read the latest on the Kincade Fire here.

Two years after being scarred by the deadly Wine Country wildfires, Sonoma County was under siege again early Sunday as thousands of firefighters battled to keep powerful winds from pushing the massive Kincade Fire southwest through dense cities and towns toward the Pacific Ocean.

As of midnight, the county resembled a disaster zone from end to end. Some 90,000 residents has been ordered to flee their homes — including those in the touristy wine capital of Healdsburg, with its boutique hotels and tasting rooms, and the community of Larkfield-Wikiup, which saw whole subdivisions flattened by the Tubbs Fire of October 2017.

In the Santa Rosa neighborhoods of Coffey Park and Fountaingrove, meanwhile, residents in brand-new homes just rising from the ashes were warned they might be next to evacuate. Just about everyone else in the county was either under an evacuation order, an evacuation warning, or a power outage imposed by Pacific Gas and Electric Co. to keep additional blazes from sparking.

“We’re kind of at the mercy of Mother Nature right now,” said Jonathan Cox, spokesman for the state’s Cal Fire agency. “Batten down the hatches and hope the storm passes.”

As of midnight, the Kincade Fire in and around Geyserville — possibly sparked Wednesday by PG&E equipment that had been left on despite the outage — had blackened 26,000 acres and destroyed 31 homes and 46 other structures, according to Cal Fire.

The fire was just 11% contained, or surrounded. More than 2,800 firefighters and upward of 250 engines worked in rugged hills and canyons seeking to boost that figure as they prepared for winds from the northeast forecast to reach 40 mph — with gusts up to 80 mph.

No deaths had been reported. Two civilians and one firefighter sustained non-life-threatening injuries Friday after the firefighter deployed his personal fire shelter to save himself and the two fleeing residents.

Saturday had been a day of preparation and worry. Authorities continually expanded evacuations, while opening shelters for evacuees. Fleeing residents jammed Highway 101, and lined up to fill their tanks at gas stations. Stores in Sonoma County and well beyond sold out of ice, batteries, portable generators and other supplies.

Evacuated areas included Windsor and Mark West Springs as well as Guerneville, Forestville, Occidental, Bodega Bay and other spots along the Russian River and the coast. Among those who had to move on were roughly 100 patients at Sutter Santa Rosa Regional Hospital, who were transferred to medical facilities in Novato and San Francisco. Sonoma County officials had to empty a jail as well, just in case.



A police officer leaves a home after placing an evacuation order in the mailbox on Saturday, Oct. 26, 2019, in Geyserville, Calif.
Paul Kuroda / Special to The Chronicle

National Weather Service meteorologist Drew Peterson said the area was expected to see “extreme, extreme conditions.” The strongest gusts were expected to pick up early Sunday in the hills and ridges and continue into Monday — a more intense and longer-lasting windstorm than the one that pushed the 2017 fires in Wine Country.

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Fires, fears, outages — the new normal of Autumn

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Healdsburg and Windsor residents get the word: It's time to evacuate

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On Saturday, in a last-ditch effort to halt the progress of the fire before the winds picked up, hundreds of firefighters aided by airplanes and helicopters pre-emptively burned vast stretches of grassland to create a fire break. The back-fires, many set along Pine Flat Road east of Geyserville as the sun went down, were designed to create a buffer zone between the fire and the many towns of the Sonoma Valley.

“We want to make sure it doesn’t go down any farther,” said Capt. Mike Tompkins of the Tiburon Fire Department.

His crew was part of a team using drip torches to light dry brush and grass on fire. Another team, high on a ridge above, was lighting fires back toward Tompkins’ team so that the flames from both sides would merge and create one big fuel break. Asked if it would work, Tompkins raised crossed fingers and said, “We’ll find out.”



Fifth & Mission

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Chris Markell momentarily stops his car on the 101 on ramp to photograph the Kincade Fire on Friday, Oct. 25, 2019, in Healdsburg, Calif.
Paul Kuroda / Special to The Chronicle

In Healdsburg and Windsor early Saturday, residents and businesses rushed to pack up and get out of town. Danielle Kuller, the manager at Amy's Wicked Slush ice cream store in Healdsburg, said the store shut down and sent employees home.

"We're just trying to make sure everyone's safe," Kuller said.

At KC's American Kitchen in Windsor, dozens of breakfast customers watched the sheriff's press conference on the restaurant TV and found out the town was being evacuated.

"They all paid their checks and left," said Sheryl Farmer, the restaurant manager. "The restaurant is empty now. Our staff is worried and frantic. They're all trying to get home to be with their families. It's a little stressful."

By afternoon, the only people still allowed in Windsor were law enforcement personnel putting barriers on roads, driving through neighborhoods with loudspeakers and sirens, and going door to door to reach residents.

"It was nuts," said Brian Benn, who waited 15 minutes to fill up at a gas station in north Santa Rosa, just outside the evacuation area, where he said the lines for each pump were six cars deep. "You can tell people are feeling a little panicked, and trying to get their stuff together."

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From left: Cal Fire Healdsburg's Daniel Frazee, Andrew Rush and Cassidy Harms watch as helicopters pass by and dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

About 90 people under a previous mandatory evacuation order from the Geyserville area spent Friday night at an emergency shelter at the Healdsburg Community Center, Red Cross spokeswoman Barbara Wood said. Half a dozen new arrivals joined other residents at the former elementary school. Restaurants provided meals and concerned citizens dropped off books, toothbrushes and fresh chrysanthemums for the dining hall tables. But by Saturday, the shelter was itself evacuated.

Down the road, Jorge Vazquez, 31, who works in the maintenance department at the Best Western Dry Creek Inn in Healdsburg, was tasked with going door to door telling guests to leave. Each was given 30 minutes. Many there were also evacuees from the Geyserville area, forced to make their second evacuation in three days.

"It took some convincing to get them to leave," Vazquez said. In one case, he said, he had to threaten to call the police.

New evacuation centers were opened at the veterans halls in Santa Rosa and Petaluma, and at the Petaluma Fairgrounds.



Fire-friendly weather conditions affected much of Northern California, where as many as 940,000 customers were expected to lose electricity in planned Pacific Gas & Electric Co. power outages designed to prevent the outbreak of additional fires.

With what forecasters called a “potentially historic” windstorm expected Saturday night into Sunday, PG&E began shutting off power to as many as 2.8 million people across huge swaths of the state in an attempt to avert wildfires. The utility said homes and businesses could lose power in portions of 38 counties across the Bay Area and throughout Northern and Central California.

“The next 72 hours will be challenging,” Gov. Gavin Newsom said at a Napa event Saturday. “I could sugarcoat it, but I will not.”



Roilene picks up last items before evacuating from her house with her husband Wolfgang on Saturday, Oct. 26, 2019, in Geyserville, Calif.

Paul Kuroda / Special to The Chronicle

The planned outages were unprecedented, affecting far more people than two previous shutoffs. In the last widespread round of planned outages this month, 738,000 residences and businesses in Northern and Central California had their electricity cut off.

The first blackouts began Saturday afternoon, affecting portions of counties in Northern California and the Sierra foothills — Amador, Butte, Colusa, El Dorado, Glenn, Nevada, Placer, Plumas, San Joaquin, Sierra, Siskiyou, Shasta, Tehama and Yuba counties. They later spread to the Bay Area, affecting Alameda, Contra Costa, Marin, Napa, Solano and Sonoma counties.

The Marin County Sheriff's Office said it expected the outages to affect 99% of the county.

"It almost feels like an apocalypse," said Armand Quintana, manager at Jackson's Hardware in San Rafael. "There are lines at the gas station, people are buying ice from grocery stores, they're out of ice. I'm looking for zombies."

The store ran out of its stock of 50 generators, which sell for \$1,100 to \$5,000. Just hours before the expected power outages Saturday, it ran out of flashlights, batteries, candles and other power-outage supplies.

Smoke from the blaze was wafting through the Bay Area and could be sniffed on Saturday in downtown San Francisco. Air quality experts advised that buying masks and filters is no substitute for finding clean-air spaces, such as libraries and shopping malls.



Helicopters dump water down to the Kincade Fire off of Pine Flat Road on Friday, Oct. 25, 2019, east outside of Geyserville, Calif.
Santiago Mejia / The Chronicle

“Masks may not be the answer for a lot of people,” said Dr. Jan Gurley of the San Francisco Department of Public Health. “Sometimes they make you feel a little better. But there are no substitutes for getting to where the air is clean.”

Air quality throughout the Bay Area was expected to be “unhealthy for sensitive groups” and a Spare the Air Day was declared by the Bay Area Air Quality Management District. It was the 20th of 2019, compared with 13 days in all of 2018, 18 days in 2017 and 27 days in 2016. Residents were advised to limit outdoor activity and avoid driving and wood burning.

On Saturday, the Kincade Fire was burning in a southwesterly direction on the east side of Highway 128 and eastern Geyserville. Firefighters built containment lines on the edge of Geyserville, where 735 structures were under threat.

Newsom toured the fire area Friday, visiting residents, meeting local officials and praising firefighters for their “extraordinary heroism.” The governor also stepped up his criticism of PG&E, as state regulators looked into whether the utility company’s equipment played a role in the fire.

The company reported Thursday that equipment on one of its transmission towers broke near the origin point shortly before the Kincade Fire was reported at about 9:27 p.m. Wednesday. Power had been shut off in the area, but not on that specific transmission line, in an effort to prevent such an event.

Chronicle staff writers John King and Catherine Ho contributed to this report.

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EXHIBIT H

Brings Chickasaw’s unparalleled gaming expertise and shared values to project to support Koi’s economic independence on tribal lands in Sonoma

Santa Rosa, Calif. (24 January 2022)— The **Koi Nation of Northern California**, one of California’s historic federally recognized Native American tribes, has executed a predevelopment agreement with **Global Gaming Solutions (GGs)**, a wholly-owned business of the **Chickasaw Nation of Oklahoma**, to engage as the Koi’s development partner for its planned **Shiloh Casino & Resort in Sonoma County**. GGS will also act as the manager and operator of the establishment when completed.

“We are honored to build this important business relationship with our brothers and sisters of the Chickasaw Nation, one of the most experienced Native American tribes in the gaming industry,” said Darin Beltran, Koi Nation’s Tribal Chair.

“Not only does the Chickasaw Nation have great expertise in gaming and resorts, but they also share the same values as the Koi Nation. Chickasaw leaders understand the importance of this project to the restoration of our economic self-reliance because they have walked the same path many times in support of their own people’s future,” said Dino Beltran, Koi Nation Vice Chair and Director of Development.

The Chickasaw Nation, with its tribal headquarters in Ada, Oklahoma, has an exemplary track record in developing and operating tribal gaming operations and related resort properties. It operates 23 gaming establishments around the nation, including Winstar World Casino and Resort, the largest casino in the world. The Chickasaw Nation also operates nearly 200 additional highly successful businesses, giving it a broad range of commercial expertise that makes it the ideal partner to develop and manage the Shiloh Resort & Casino.

“The Chickasaw Nation is pleased to play a role in this project, and we look forward to a successful collaboration,” Chickasaw Nation Governor Bill Anoatubby said. “The prosperity of our citizens and a commitment to working together with our partners in the Koi Nation as well as local, state and



community officials are key components to our mission. We look forward to witnessing new jobs, additional businesses and increased tourism to this region.”

“We are excited by the opportunity to use our expertise to help the Koi Nation realize this project and establish the economic self-sufficiency that is the inherent right of all Native American tribes,” said Bill Lance, Commerce Secretary of the Chickasaw Nation. “We look forward to beginning a successful long-term economic partnership with the Koi.”

About the project

The Shiloh Casino & Resort will be built on the Koi Nation’s property at 222 E. Shiloh Road in unincorporated Sonoma County. The tribe purchased the 68-acre site late last year to re-establish its tribal land base more than a century after the Koi’s ancestors were forced to relocate to the Santa Rosa/Sebastopol area.

The non-smoking Shiloh Casino & Resort will include a 2,500 Class III gaming machine facility, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa, as well as a state-of-the-art live entertainment venue. The design for the low-rise facility integrates with the natural beauty of the region and will be energy-efficient and respectful of the environment, in keeping with the Tribe’s historic relationship with the land.

The Shiloh Casino & Resort will employ more than 1,100 full-time workers when fully operational. The project also will create hundreds of jobs for workers in the construction trades and other skilled laborers. The Koi Nation anticipates that a portion of the resort’s revenues will be shared with the broader community through the support of local organizations as well as collaborating with local governments to address their needs.

About the Koi Nation

The Koi Nation’s mission is to empower our people to achieve a better way of life and to maintain tribal integrity and honor through responsive government. We are committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent,



including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County. For more information visit <https://www.koinationsonoma.com>

About the Chickasaw Nation

With more than 73,000 citizens, the Chickasaw Nation is a democratic republic with executive, legislative and judicial departments elected by its citizens. The treaty territory of the tribe includes 7,648 square miles of south-central Oklahoma and encompasses all or parts of 13 Oklahoma counties. The Chickasaw Nation contributes billions to the Oklahoma economy annually and employs nearly 13,500 workers.

For more information, visit <https://www.chickasaw.net>



From: Patrick Streeter <pstreeter@townofwindsor.com>
Sent: Sunday, April 7, 2024 2:20 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Jon Davis <jdavis@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>;
Jose M Sanchez <jose.sanchez@redwoodpubliclaw.com>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project - Town of Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad Broussard,

Attached please find comments from the Town of Windsor, California regarding the NOI for preparation of the Koi Nation Shiloh Resort and Casino Environmental Impact Statement.

Please acknowledge receipt and contact me if you have any questions.

Thank you,

Patrick N. Streeter, AICP | Community Development Director

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Councilmember District 2
Sam Salmon

Town Manager
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April 7, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
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Sacramento, CA 95825

Chad Broussard (via email)
Environment Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

SUBJECT: Koi Nation Shiloh Resort and Casino Project - Town of Windsor
Comments on Scoping of Environmental Impact Statement

Dear Ms. Dutschke and Mr. Broussard:

The Town of Windsor appreciates the opportunity to provide comments to the Bureau of Indian Affairs (BIA) on the preparation of an Environmental Impact Statement (EIS) for the proposed Koi Nation Shiloh Resort and Casino Project. As stated in the Town's previous letter dated November 13, 2023, providing comments on the Environmental Assessment (EA) for this project (attached), the Town found the EA to be inadequate, particularly in failing to identify significant environmental impacts and in proposing mitigations that would not bring impacts below the threshold of significance.

The preparation of an EIS is necessary to thoroughly evaluate the environmental impacts of the proposed casino resort project. Based on the Town's review of the EA, the Town strongly recommends that the EIS provide a comprehensive analysis that includes but is not limited to the following major resource areas and issues:

Water Resources

- Groundwater impacts, including well interference and water quality effects
- Stormwater drainage capacity and flooding risks, particularly resulting from changes to storm flow in Pruitt Creek to the east and west of Highway 101
- Recycled water use, storage needs, and permitting

Transportation & Circulation

- Traffic congestion and roadway/intersection capacity impacts
- Establishing the responsible party, financing, and the timing for widening Shiloh Road and improving the Shiloh Road/Old Redwood Highway intersection and Shiloh Road/Highway 101 interchange

- Emergency evacuation route capacity and evacuation modeling, specifically analyzing evacuations of the communities off of Gridley Drive and Mathilde Drive, Merner Drive, Tamara Way, and larger Town-wide and regional evacuation events.
- Pedestrian, bicycle, and public transit accessibility, including consistency with the Town's Complete Streets Guidelines, the Old Redwood Highway Corridor Enhancement Plan, and the Shiloh Road Village Vision Plan

Land Use and Planning

- The Shiloh Road Village Vision Plan (SRVVP) had been adopted for the lands west of the project site.
- The grid street network of the SRVVP and the anticipated east-west connections must be considered.
- The density and intensity of the Town's comprehensive planning documents anticipated the continued agricultural use of the project site.

Public Services & Utilities

- Increased demands on police, fire, parks, and public infrastructure
- Solid waste generation and landfill capacity

Air Quality & Greenhouse Gas Emissions

- Construction and operational air emissions, including health risk impacts
- Determination of threshold of significance for cancer risk for hazardous air pollutants based on future traffic volumes along Shiloh Road and Old Redwood Highway, not existing traffic volumes.
- Vehicle miles traveled (VMT) and greenhouse gas emissions

The list of resource areas and issues above is not exhaustive. The EIS must consider each of the concerns detailed in the Town's EA comment letter, dated November 13, 2023, as well as the public comments attached thereto. The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel's letter be considered and analyzed in the EIS.

Sonoma County Counsel's letter also mentions that the EA inadequately considered impacts to other tribes. The Town shares these concerns not only regarding the continued economic viability of tribes with gaming facilities but also regarding fairness to all tribes with homeland in the area. In 2019, U.S. Senate Bill S.1790 was signed into law and includes provisions for taking approximately 511 acres of tribal land into trust as part of the reservation of the Lytton Rancheria of California. S.1790 also stipulates that no gaming shall be conducted on any lands taken into trust on behalf of the Tribe in Sonoma County

in perpetuity. The proposed Shiloh Resort and Casino project is located less than three miles from the established homeland of the Lytton Rancheria of California tribe.

The EIS should clearly identify impacts and provide appropriate, enforceable mitigation measures, including fair-share contributions to improvements necessitated by the project. The EIS analysis should also consider the timing of proposed mitigations, since the full magnitude of impacts will exist at the start of the project's operation. The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence. The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.

Importantly, the EIS must include a thorough evaluation of an alternative project location. One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. An alternative location further removed from residential areas should be analyzed in the EIS. The proposed casino resort of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site. Potential land use conflicts and impacts to quality of life for residents should be avoided by considering an alternative site location that provides an appropriate separation from residential neighborhoods and pedestrian/bicycle-scale development. In addition to being more compatible with surrounding uses, an alternative location may reduce impacts related to traffic congestion, infrastructure demands, emergency evacuation routes, and other environmental issues of concern identified in the Town's previous EA comments. At this time, the Town is unable to identify an appropriate location in or around Windsor that would be suitable in this regard.

With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.

If you have questions or require additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,

A handwritten signature in blue ink, appearing to read 'P. Streeter', with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Community Development Director

cc: Jon Davis, Windsor Town Manager;
Windsor Town Council

Enclosure: Town of Windsor Comments on Koi Nation Shiloh Resort and Casino
Project EA, dated November 13, 2023



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Mayor
Rosa Reynoza

Vice Mayor, District 2
Sam Salmon

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 4
Tanya Potter

Town Manager
Jon Davis

Sent via Email
November 13, 2023

Amy Dutschke, Regional Director
2800 Cottage Way
Sacramento, CA 95825

SUBJECT: Koi Nation Shiloh Resort and Casino Project
Town of Windsor Comments on Environmental Assessment
Published September 2023

Dear Ms. Dutschke:

The Town of Windsor, which includes the Windsor Water District, hereby submits comments in response to the Environmental Assessment (EA) that was prepared for the Koi Nation Shiloh Resort and Casino Project. Unless otherwise indicated, all comments are in response to “Alternative A” which is identified as the Proposed Project.

Proposed Project and Alternatives

1. Reliance on the Best Management Practices (BMPs) in Table 2.1-3 is inadequate for environmental protection. The BMPs are not measurable or monitorable, described as, “when feasible” and “when practicable.” Instead, the project description should be amended to incorporate measurable standards to address the relevant concerns. Without these standards there is potential for the project to have significant adverse impacts on the environment.

Water Resources

2. Between 6 and 17 acres of vineyards will remain for recycled water irrigation. At an average daily flow of .3 MGD (2.1.4), this equates to 110 MG / Yr. A 20-acre vineyard would be allocated 4.9 MG per year under current ETC requirements set for the Windsor Water District by the State. Although the project may be held to a lesser standard of environmental protection, the substantial differential in the application rate indicates that the proposed rate is unrealistic.
3. Proposed 12-16 MG reservoirs / tanks would equate to 40 to 50 days of storage. The EA proposes not discharging between May 15 and September 30 (138 days) – storage should be closer to 40 MG to meet that discharge target. As proposed, the storage capacity is likely too small and discharge events, that have not been considered in the EA, are likely to occur.
4. The State Division of Drinking Water (DDW) does not / has not approved all of the proposed recycled water uses in this configuration as described in the project description. For example, recycled water is not allowed inside any food service buildings.
5. 3-20 references Mark West Creek for flow monitoring during discharge, which is significantly downstream of the point of discharge on Pruitt Creek. Pruitt Creek is also ephemeral, meaning it does not flow year-round, discharging wastewater into a creek that does not flow year round will significantly affect surfaces in the area. Significant adverse impacts

due to erosion, loss of habitat, flooding, movement of sediment, and destabilizing of banks could occur. Monitoring should be required at the point of discharge on Pruitt Creek.

6. There are four existing wells on the Project site, the Project proposes to construct up to two additional wells on site for potable water use. The Town of Windsor has two wells at Esposti Park to the north and in close proximity to the Project property. One is used for irrigating Esposti Park, and the other will be used as a replacement municipal drinking water well. The Project well(s) and Project wastewater treatment plant should not be constructed within the zone of influence around the existing Town wells.
7. The reported peak-day pumping for the project is 402,000 gpd, which equals approximately 275 gpm (Table 2-2). If that pumping were to occur close to the Esposti Well, drawdown at the Town's Esposti drinking water well could be significant, which could significantly decrease the Esposti well output rate and possibly water quality. Prior testing of the Esposti drinking water well was over short durations and should not be used to extrapolate the level of impact from the proposed project wells without further testing. The potential impacts to the groundwater aquifer and groundwater wells have not been sufficiently evaluated. At a minimum, a well interference study should be completed as part of the Project to ensure proper placement of the proposed Project well(s) and Hydrogeologic testing should be completed to ensure Project well(s) will not adversely affect the groundwater levels nor the water quality of the existing Town wells or other domestic wells. Mitigation measures should be required for any impacts identified once sufficient analysis has been conducted. As currently proposed the Project may have a significant adverse impact to water resources.
8. As stated in the 2020 Urban Water Management Plan, the Town is moving toward installing arsenic and manganese treatment on the Esposti well in order to meet the drinking water demands. Any analysis of wells on the proposed project should consider increased future pumping from the Esposti well.
9. The project proposes to repurpose or install up to 4 groundwater wells and estimates 100-300 gpm groundwater flow for daily use. The report does not indicate how much the existing wells on-site are currently being used. The proposed mitigation measure for groundwater is insufficient to address the risk to drinking water supplies. The proposed mitigation measure to reimburse the owners of nearby wells that become unusable within five years of the onset of project pumping is not sufficient to mitigate the level of impact. Payment to owners of nearby wells does not increase the total available water supply in the area and the loss of function of existing wells will have significant effects to the area's water system as new sources of water supply will need to be developed.
10. The EA cites the 2017 aquifer test at the Esposti well as evidence that pumping from aquifers deeper than 300 feet would not affect water levels in shallow wells (less than 200 ft deep). No drawdown was observed in shallow wells during the Esposti test. However, that test lasted only 28 hours. The EA should consider the potential for sustained pumping (months) at the Esposti well and the Project supply wells that may lower water levels in the shallow aquifers and could potentially jeopardize output of nearby domestic and municipal drinking water wells.

11. The proposed design takes away from floodplain storage, an adequate amount of stormwater detention is not demonstrated by calculation to address the detraction of floodplain. Sub areas A,C, and E have footprints directly in the floodplain.
12. The Town of Windsor completed a [Storm Drainage Master Plan](#) where the 100-year flood zones were mapped. The Project location shows potential flooding during the 100-year floods. The Project will need to consider flood mitigations, so it does not affect the downstream neighborhoods with additional flooding or sediment transport.
13. Analysis is needed of the existing Pruitt Creek box culvert under Highway 101 to determine the ability to convey the anticipated storm flow from a full buildout condition and mitigation measure should be required for any negative impacts identified in the analysis.
14. The north bound offramp from Highway 101 is periodically closed due to flooding, and the analysis should determine if increased flows from the project negatively impact this condition. Several such closures occurred in December 2022 and January 2023.

Air Quality

15. The EA states that traffic volumes on a surface street would need to exceed 40,000 daily trips to exceed the significance threshold for cancer risk for hazardous air pollutants. It reasons that “these traffic levels do not exist on local roadways serving the Project Site, including Shiloh Road and Old Redwood Highway” and therefore impacts would not be significant. The project would include road widening and itself would generate between 11,213 and 15,779 daily trips. Significance should be determined in the future full build-out scenario, not based on existing conditions. As currently proposed the Project may have a significant adverse impact to air quality.
16. The air quality modeling as detailed in Appendix F-1 makes a number of inaccurate assumptions including that Windsor is located in Climate Zone 4, that the project is in a rural setting, and that the average trip length for non-work trips should be based on the distance from Santa Rosa. It is unlikely that there are no potential significant impacts for any air quality or green house gas emissions other than for CO. A peer review of the air quality study and modeling is recommended. According to the California Department of Energy, Windsor is in Climate Zone 2 and according to the [Generation Housing State of Housing in Sonoma County Report](#), 31.4% of the local work force commutes from outside of Sonoma County.
17. To reduce potential air quality impacts, Tier IV construction equipment for equipment greater than 50 horsepower should be required, instead of Tier III as proposed.
18. “Clean fuel fleet vehicles” should be defined, and a standard should be set to determine when use of clean vehicles is impracticable. In this scenario, what is the alternative to address the potential air quality impacts?

Cultural Resources

19. Due to the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American Consultation, the EA determined that there is a potential for significant subsurface cultural resources on the Project Site, however monitoring is only prescribed within 150 feet of Pruitt Creek. A qualified archaeologist and Native

American Tribal Monitor should be present for ground-disturbing activities across the entirety of the Project Site. As currently proposed the Project may have a significant adverse impact to cultural resources.

Socioeconomic Conditions and Environmental Justice

20. The growth-inducing effects section indicates that the project would result in pressure for new commercial development in the area, such as additional gas stations. Consider the gas station bans in the Town of Windsor and the County of Sonoma. This section concludes that indirect and induced demand for commercial growth would be diffused across the State and therefore there would be no significant regional commercial growth inducing impacts. Provide data to justify this conclusion, considering local growth management policies and urban growth boundaries.
21. The housing section assumes there would be no significant impact without sufficient local data. It assumes most employees will come from the existing pool of casino and hospitality workers, however due to housing costs, many of these workers are commuting to Sonoma County from other parts of the Bay Area.
 - a. Provide temporary housing facilities on-site for the construction workers (2,196).
 - b. Provide permanent affordable housing on-site for casino workers (1,571).
 - c. Provide information about the median salary of the construction workers and the casino workers, so that the appropriate housing affordability can be determined.
 - d. Project alternatives should be evaluated with on-site housing options.
22. The Socioeconomic Study was prepared by Global Market Advisors (GMA) for the Koi Nation of Northern California. As described on page 1, GMA is an international provider of consulting services to the gaming, entertainment, sports, and hospitality industries. The BIA should obtain a peer review of the Socioeconomic assessment by an independent consultant.
23. Page 5 of the study (Income) states that the Sonoma County Average Annual Household Income (AAHI) was \$121,522 in 2021, which may be overstated. Information provided by the California Department of Housing and Community Development indicated that the Sonoma County Area Median Income (AMI) was \$103,300 for a family of four in 2021. Most analyses of housing affordability refer to median income, because the average income is likely to be skewed by a small number of high-income households. The following section on Housing costs reflects median housing costs.
24. Page 6 of the study indicates that only 170 new homes were added to Sonoma County from 2010 to 2020. These data appear to be inaccurate and the statistic is misleading, since nearly 5,600 homes were destroyed in Sonoma County by the 2017 Tubbs Fire.
25. Page 40 of the study (Employment) indicates that construction and operation phases will have a positive effect on the local economy (thereby

reducing the unemployment level). This discussion does not recognize the local labor *shortage* in the area, which this project could exacerbate.

26. The section beginning on Page 40 of the study (Housing and Schools) does not recognize the local housing shortage and continuing recovery from the Tubbs Fire and other wildfire events. Also, as stated above, the assertion that Sonoma County has a sufficient labor force focused on the hospitality industry, and thus could easily absorb the new labor needed by the casino, is likely false. These concerns are supported by the [Generation Housing State of Housing in Sonoma County Report](#), published in April 2023.

Transportation and Circulation

27. Based on reviews conducted for a casino in Rohnert Park, the weekday and Saturday daily trips may be 15 to 25 percent higher than those indicated on this project analysis. Review of the Rohnert Park facility also revealed that the highest daily and afternoon peak trip generation occurs on Sundays, not Saturdays. The project should analyze Sundays as well as Saturday, to ensure that worst-case traffic impacts have been captured.
28. The Traffic Impact Study (TIS) indicates that the project would be fully responsible for implementing the improvements needed under Existing plus Project and Opening Year 2028 plus Project. These minor mitigation efforts include:
 - a. Shiloh Road/Old Redwood Highway: Restripe westbound approach with a 200' long left-turn lane and modify signal phasing. This is similar to previously-identified near-term improvements except with a longer turn lane.
 - b. Shiloh Road/Hembree Lane: Optimize signal timing.
 - c. Shiloh Road/US 101 North Off-Ramp: Restripe ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). The proposed mitigation is simply restriping.
 - d. Signalize the project driveways on Shiloh Road and Old Redwood Highway. This is logical but has no broader benefit to the Town since the signals are only needed to accommodate resort traffic.
29. Objections to Existing plus Project and Opening Year 2028 plus Project Findings:
 - a. Shiloh Road/Old Redwood Highway: For the queuing analysis the TIS relies on the Town to widen northbound ORH to include dual left-turns, stating that this improvement is included in the traffic impact fee. The north, west, and east legs of the intersection are within the Town of Windsor limits, but the project is not, and therefore no impact fee would be assessed by the Town and no funding would be afforded for this improvement. It is therefore unclear how the Town's impact fee program has any relation to mitigating the impact of the proposed project. The project would not make this improvement as currently proposed, so would not fully address the queuing issue. Note that the dual left-turn lanes also require widening of Shiloh Road to two westbound lanes. Widening of both Old Redwood Highway and Shiloh Road are needed to accommodate the traffic load generated by the project, and no mitigation is proposed for these impacts.

- b. Shiloh Road/US 101 North Off-Ramp: The proposed mitigation is to restripe the ramp to include triple right-turn lanes (the westernmost would be a shared left/right lane). This modification is likely to perform poorly since it would “trap” two of the three right-turn lanes in the left-turn pockets at the adjacent Shiloh Road/Hembree Lane intersection. It would not function acceptably without widening Shiloh Road to two eastbound lanes through the Hembree intersection. The TIS’s mitigated configuration also limits capacity for left-turn movements on the off-ramp which also have high volumes.

30. Objections to 2040 plus Project Findings:

- a. The TIS indicates Shiloh requires widening to four lanes from Caletti Avenue to the project driveway opposite Gridley Drive; it states that Shiloh widening is planned by the Town but this is incorrect. If traffic is increased by a proposed development, that development would be required to make the necessary improvements to mitigate the impact, including widening of Shiloh Road for additional lanes if needed. The Town does not have a capital project planned for widening Shiloh Road, nor is any proposed development planning to do so. The proposed casino project should be required to mitigate the impacts of the project as would any other development.
- b. Shiloh Road/Old Redwood Highway Intersection: In addition to Shiloh Road widening to four lanes and dual northbound left-turn lanes, the TIS indicates ORH requires two lanes in each direction and that existing northbound and southbound right-turn lanes need to be maintained. However, it does not mention that Shiloh Road would also need to include eastbound and westbound right-turn lanes.
- c. This configuration results in an extremely large intersection including five northbound approach lanes and four southbound, eastbound, and westbound approach lanes. Widening of ORH to two lanes in each direction is contrary to the General Plan and ORH Corridor Plan.
- d. The TIS indicates that the project would be responsible for 39.4% of the traffic growth which seems to imply that the project would not need to contribute funds since it addresses its impact under 2028+Project. Further, a contribution of 39.4% if made would still be illogical since the intersection would undergo far more widening (with associated cost) than the Town would ever have needed without the project.
- e. Shiloh Road/Hembree Lane: The TIS indicates that southbound Hembree Lane requires two additional lanes on the intersection approach. This degree of widening is infeasible (approach would include a left-turn lane, a through lane and two right-turn lanes and there is not sufficient right-of-way to support this configuration).
- f. The TIS indicates a fair share cost of 36.4 percent. This value is unreasonably low due to the fact that the Hembree widening would not have otherwise been needed without the project.

31. Objections to Roadway Segment Analysis

- a. The segment analysis is extremely high-level, particularly with its use of volume to capacity ratios that are based on weekday

Average Daily Traffic (ADT) volumes. The analysis also assumes Shiloh Road's capacities to be based on a 40 mph speed, which is inconsistent with the Town's vision for a "village" oriented walking and biking focused streetscape between Hembree Lane and Old Redwood Highway.

- b. As noted above, the project's ADT trip generation may also be underestimated by 15 to 25 percent, so the project's actual share of roadway segment volumes is likely to be greater than assumed in the TIS.
 - c. The TIS shows that the project would cause (or significantly deteriorate) operation on Shiloh Road to LOS E/F levels under 2028 opening year conditions between Conde Lane and Old Redwood Highway. The TIS then indicates that with the proposed mitigations to be constructed by the project, capacities would increase from 22,000 to 30,000 vehicles per day, offsetting the project's impacts to roadway operation. These capacity increases are not in line with the very minor nature of the proposed mitigating improvements; further, the project's proposed mitigation of creating triple right-turn lanes on the US 101 northbound offramp would be likely to reduce rather than increase capacity between the freeway and Hembree Lane (due to two of the offramp right-turn lanes "trapping" vehicles onto Hembree rather than continuing east on Shiloh).
 - d. The addition of project traffic will severely degrade operation on Shiloh Road upon 2028 opening between the US 101 South Ramp and Old Redwood Highway (and possibly westward to Conde Lane) unless additional improvements are implemented in addition to the minor improvements currently proposed by the project.
32. The Town's General Plan includes the possibility of Shiloh Road expanding to 5 lanes, however widening of the roadway would not be constructed by the Town, but rather the developments that created the increased traffic would be required to fund the improvements to mitigate their impacts to the transportation network. Without a mechanism to ensure that the road widening is completed by the time the Project begins operation, it can be assumed that the Project will have a significant adverse impact to traffic and circulation.
33. The mitigation actions for the casino project proposed on Shiloh Road and the interchange are inadequate to avoid significant negative impacts to the transportation network on opening day of the proposed casino and should be required to be mitigated by the developer of the project.
34. The 2040 segment analysis capacities are shown to be 49,800 daily vehicles, which is highly unrealistic for an urban four-lane street (particularly in a lower-speed, multimodal environment as envisioned).
35. The TIS estimates a proportional share of 27.4 percent for the interchange but doesn't identify it as a project mitigation; there are also no fair share calculations for the remainder of the Shiloh Road widening (other than intersection improvements). If no mitigation is required for this improvement, the improvement will not be constructed and the project will have higher impacts than disclosed in the EA.
36. As noted above, Shiloh Road and interchange improvements should occur by 2028 opening of the facility and the project should be responsible for funding those improvements.

37. Objections to non-auto modes assessment

- a. The project would significantly increase volumes on Shiloh Road through the Shiloh Village area which the Town plans to be a mixed-use, pedestrian- and bicycle-oriented area. The added traffic from the project would drive the need for Shiloh Road to be widened to a higher-speed four-to-five lane arterial (recent analyses overseen by the Town have indicated that a lower-speed three-lane section would accommodate future growth planned in this area without the casino project).
 - b. The project is currently proposing almost no offsite ped/bike improvements, instead relying on the Town to build facilities as widening on Shiloh and ORH occur through the traffic impact fee program. However, the casino project is not in the Town and no impact fees would be provided to the Town and so these improvements should be built and paid for by the project developer.
 - c. The TIS recommends onsite sidewalk connections to the project driveways, and accessible paths between nearby transit stops and driveways.
 - d. The project needs to construct facilities to accommodate multimodal circulation on Shiloh Road given its significant traffic increases on the corridor.
38. The proposal does not address full pedestrian and bicycle improvements, including Class IV bike routes, needed for the Shiloh area to align with The Old Redwood Highway Corridor Enhancement Plan and The Complete Streets Guidelines.
39. An evaluation of the feasibility of a roundabout has not been included, the Town has identified the roundabout as a preferred intersection type for this area.
40. The traffic analysis should consider the impacts of large events in addition to typical daily operations.
41. It is assumed that eminent domain will be utilized to acquire the necessary right-of-way to widen Shiloh Road. If this land acquisition is done by the Town, the Project should be responsible for all legal costs and land acquisition costs.
42. The traffic impact study considers employee vehicle miles traveled (VMT). Analysis of visitor VMT should also be included.
43. The Shiloh Road Village Vision Plan (SRVVP) outlines a grid street network in this area to disperse traffic volumes, provide for the safe movement of traffic, and minimize negative impacts on Shiloh Road. The traffic analysis for the Project should consider the impact to these east-west street connections between the Project Site and Highway 101 assuming full build-out of the SRVVP.

Land Use

44. The Town of Windsor General Plan land use diagram designates the properties to the north and west of the Project Site for Very Low Density Residential (three to six dwelling units per acre) development with Boulevard Mixed-Use (16 – 32 dwelling units per acre) to the west, fronting Shiloh Road. Additionally, the Town has adopted the Shiloh Road Vision Plan for the Shiloh Road Corridor west of the Project Site. The Shiloh Road

Vision Plan envisions mixed use development that encourages walking and biking. The planning for the density and intensity of these land use designations and for Town infrastructure in the area was done with the assumption that the Project Site would continue to be used for agriculture. The EA does not discuss impacts to the long-range vision of these planning documents particularly regarding circulation, safety, public amenities, and public services.

45. The land use designation for the Project Site in the Sonoma County General Plan is Land Intensive Agriculture, the stated purpose of which is to “enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.” Permitted land uses include keeping of livestock, indoor or outdoor crop production, daycare facilities, telecommunications facilities, and seasonal farmworker housing. Hotels, restaurants, and gaming facilities are not listed as permitted uses with this designation. The EA states the transfer of the Project property into federal trust status would remove it from County land use jurisdiction, but does not resolve potential environmental impacts that were not addressed in the Sonoma County General Plan Environmental Impact Report.
46. The Project Site is part of the Windsor/Larkfield/Santa Rosa Community Separator. The purpose of community separators is to maintain greenbelt areas around and between Sonoma County’s cities, towns, and more densely developed communities. The Project Site is currently developed with vineyards, meeting the spirit of the community separator designation. Potential impacts to the Windsor/Larkfield/Santa Rosa Community Separator should be analyzed.

Public Services and Utilities

47. Appendix F, page 8, indicates that the Tribe will use County waste disposal facilities, which are required to divert 50 percent of waste from landfills. In 2021, the County of Sonoma adopted a Zero Waste Resolution establishing a goal of zero waste by 2030, consistent with the Countywide Integrated Waste Management Plan and the Sonoma County Regional Climate Action Plan. The purpose of the zero waste goal is to reduce greenhouse gas emissions and conserve the remaining capacity at County landfills. Diversion rates in the future condition should be analyzed.
48. The EA notes that increases in crime and calls for service to public safety are associated with any population increase, not necessarily gaming specifically. Regardless of the cause, the Project Site currently generates virtually zero calls for service presently. Although the proposed Project is in County of Sonoma Jurisdiction, its proximity to the Town of Windsor will impact the Windsor Police Department through increased calls within Town limits and requests for assistance on the Project Site or within County jurisdiction. The Windsor Police Department anticipates an increase in calls related to:
 - a. Traffic, noise, accidents, DUI’s, loud exhaust, and speeding.
 - b. Disturbing the peace/Public Intoxication
 - c. Trespassing
 - d. Property Crimes
 - e. Prostitution
 - f. Assaults

- g. Drug activity
- h. Human Trafficking
- i. Violent Crime

A mechanism to mitigate the impact on Windsor Police Department resources should be developed.

49. The EA assumes that induced population growth and visitation by patrons of the Project would not be significant enough to require expansion of Esposti Park or Shiloh Ranch Regional Park. This may be true, but the EA does not consider the potential impact of visitation by patrons and employees of the Project on park resources including parking, restroom facilities, waste receptacles, and maintenance schedules.

Noise

50. Considering the proximity of sensitive receptors to the Project Site, Sundays should be excluded from construction hours to be consistent with the Town of Windsor Municipal Code.

Hazardous Materials and Hazards

51. The EA does not address post wildfire pollutant materials (such as ash) and their potential effects on Pruitt Creek. Mitigation should include on-site treatment of possible contamination and measures to prevent pollutants from continuing downstream.
52. Per the Town's Windsor Resiliency for Emergencies and Disasters Initiative (READII) Plan all transportation infrastructure investments should engage residents during the planning and design process. This plan considers two types of investments: 1) the development of new connections to open alternate routes during emergencies, and 2) the improvement of existing intersections, both for the purposes of improving daily traffic flows and reducing the risk of bottlenecks during evacuations. Old Redwood Highway (ORH), a two-lane roadway, runs parallel to and connects many local roads to US Highway 101, as well as providing a critical alternative route to the north and south when US Highway 101 is closed or temporarily congested. Old Redwood Highway can also serve as a secondary evacuation route if necessary. Windsor's current Local Hazard Mitigation Plan (LHMP) (2018) designates US Highway 101 as the primary evacuation route and Old Redwood Highway as the primary surface street to support evacuation routes and must be identified including "their capacity, safety, and viability under a range of emergency scenarios". If needed, redesign of street geometries, or evacuation signal timing should be considered as methods of increasing adaptive capacity.
53. In an effort to identify which specific neighborhoods and intersections might face the highest risks of bottleneck formation, the READII Plan team developed a "trafficheds" approach. This approach looks at networks of residential and commercial streets, lanes, courts, other smaller roads that are linked to one another - and the various points at which these self-contained networks are connected to the major roadways and arteries throughout the Town. These points of connection between neighborhoods and the main road network are "exit nodes," also referred to in other state planning documents as "ingress/egress points" and, if unable to handle the traffic loads during evacuation events, have the potential to become severe bottlenecks. The trafficheds method should be considered for evacuation

planning as traffic will be increased at the intersection of Shiloh Road and ORH.

54. The EA assumes that without the Project, it would take an estimated 4 to 6 hours to evacuate the Town of Windsor during a “No-Notice Event” and with the Project, the evacuation time could increase to 6 to 8 hours. The single mitigation measure related to evacuations offered in the EA is to “develop a project-specific evacuation plan” prior to occupancy. There is no way to ensure that this mitigation measure will adequately reduce the impact of impairment of evacuation plans. The loss of life experienced in recent fires in Paradise, CA and Lahaina, HI demonstrates the importance of impacts to evacuation plans.
55. The above evacuation time is taken from Appendix N Wildfire Evacuation Memorandum (Memo). The Memo does not consider that the mountainous areas (residences/properties such as Shiloh Estates and Mayacama) east of the Town, located in the Wildland-Urban Interface (WUI) area, only have two evacuation routes to US101 (through Pleasant Avenue and Shiloh Road) and has a high structure to exit ratio and could compound the issues at the intersection of Shiloh and ORH.
56. The comments from Losh and Associates found in Appendix N state that the State Responsibility Area (SRA) fire zone maps are out for review and should have been available to the public sometime in calendar year 2023. These updated maps should be evaluated if available.
57. The Project Site is currently developed with a vineyard. In recent wildfire events, vineyard sites have served as buffers to developed urban areas and have been used as staging areas for firefighting activities. The Proposed Project would replace a wildfire mitigating resource with a development of combustible materials (vehicles, structures, landscaping). Potential impacts of this land use change should be analyzed, and appropriate mitigation measures proposed.

Visual Resources

58. Due to the proximity of residential development the following changes should be made to the project:
 - a. Reduce parking light pole height to a maximum of 20 feet, instead of the currently-proposed 25 feet.
 - b. Outdoor lighting should be provided in a warm color range no greater than 3,000 Kelvin.
 - c. Details should be provided on illumination of all outdoor signage and the impacts to sensitive receptors should be analyzed.
59. The Town of Windsor 2040 General Plan designates Highway 101 and Faught Road as scenic corridors. Impacts to these scenic corridors should be analyzed and mitigation measures proposed.

As described in the comments above, there exists the potential for significant adverse impacts in almost every resource area analyzed by the EA. The significant adverse impacts associated with the Project are either not identified in the EA or not adequately mitigated below the threshold of significance. Impacts in the areas of water, traffic, public services and utilities, and hazards may be unmitigable and would therefore be significant and unavoidable. Because of the potential for significant adverse impacts to the Town and the environment, the Town of Windsor is opposed to the Project and finds that only Alternative D, the No Action Alternative, can ensure that there will be no significant adverse

impacts associated with the Project. If the Project is to move forward with any alternative other than Alternative D, an Environmental Impact Statement must be prepared.

The Windsor Town Council considered the EA and received public comment at its October 18, 2023, meeting. Written correspondence received up to and after the meeting is attached hereto.

If you have questions or need additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Patrick N. Streeter', with a long horizontal flourish extending to the right.

Patrick N. Streeter, AICP
Community Development Director

cc: Chad Broussard, Environmental Protection Specialist
Jon Davis, Windsor Town Manager

Attachment: Correspondence received related to the EA

Irene Camacho-Werby

From: BARBARA SACKETT <sackettbarbara@yahoo.com>
Sent: Thursday, January 27, 2022 9:52 AM
To: Town Council
Cc: Barbara Sackett
Subject: New Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to express my strongest opposition to the new casino being built in Windsor. Not only is it completely unnecessary, it will bring an untenable amount of traffic to our small town. It will ruin the quaint atmosphere of our area and will not add to the wholesome ambience of Windsor.

The site is surrounded by residential homes. These home owners do not deserve to have their area devastated by a development of this scope. Building a casino here will not be beneficial to the neighborhood. Instead, it will bring down home values and destroy the peacefulness of the entire area.

We hope that you will take action against using this site for a casino.

Thank You,
Barb and Chuck Sackett

Sent from my iPhone

From: [Mark Linder](#)
To: [Abbie Williams: Town Council](#)
Subject: RE: How dare you
Date: Friday, February 4, 2022 10:10:19 AM

Dear Abbie and Paul Williams,

The Town Council has not approved the proposed Koi casino. The location is not in the Town. It is in the County. Currently, the issue is with the Bureau of Indian Affairs. At some point the Bureau will be conducting community meetings where you will have an opportunity to express your opposition.

Thank you

Mark Linder
Interim Town Manager

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

From: Abbie Williams <abbie.earthinfofocus@gmail.com>
Sent: Friday, February 4, 2022 9:48 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: How dare you

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear town council, Windsor Ca,

I didn't capitalize town council cause you don't even deserve to be called anything like a council. That would infer that you actually are to be respected.

Correct me if I'm wrong but you've already approved this casino by the Koi tribe? A \$600 million behemoth, similar or exactly like the one that has ruined Rohnert Park already. If you tried to do this in Healdsburg they run you out of town. But here in Windsor because you think of us as less educated, less hip, less cool small town vibe. And we have a mayor who is "build at all costs" greedy sycophant. You think we won't notice that you're building a \$600 million behemoth it will be drugs alcohol prostitution and all sorts of other things to our small town? You don't give a damn about the people of Windsor at all. But you will find out that we are a force to be reckoned with us women.

I hope I've made myself super clear. But let me lay it out for you. There's about 400 of us women who've gotten together and we will protest. We will stand outside and we will scream about it. We will yell, we will protest in our own way with the protection that the first amendment gives us; (which you probably don't even believe in any way anymore). It is going to be very difficult for you to get through the moms that don't want this casino at all, on any level, and anywhere near our children.

So I am starting a coalition with other moms right now. We have about 400 women and families. We ARE A FORCE to be reckoned. This casino must not go through. The next step up is we have the governor's office. We will fight this with all we have.

Abbie and Paul Williams 1194 Eagle Dr., Windsor CA 95492.

Abbie Williams
415-531-7495

From: [Al Storms](#)
To: [Town Council](#)
Subject: No casino
Date: Monday, February 14, 2022 6:10:42 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

A casino will bring nothing good to the community but more traffic crime and violence. I vote no. If this happens i will sell and move shorty after its done

From: David C. Brayton <david.brayton@gmail.com>
Sent: Sunday, April 17, 2022 6:45:36 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: No Casino on Shiloh Road

Hello!

I am writing to encourage you to approve the resolution in opposition to the location of the Casino Resort on Shiloh.

The Casino does not belong anywhere in Windsor, let alone on Shiloh Road. Windsor is a bedroom community and Shiloh Road is simply the wrong place for it.

First, it is aesthetically awful. This is wine country, where agriculture defines the community, not Las Vegas. This Shiloh Road location places a huge, gaudy facility at the entrance to our beautiful town.

Second, the location is utterly wrong because it is surrounded by residential areas. Casinos operate 24 hours a day. Fine for Vegas or the remote hillside in Alexander Valley but the residents in this area need a good place to live. This will bring huge amounts of traffic, noise and bright lights.

Third, there simply isn't the infrastructure needed to support this monstrosity. To accommodate all the traffic, ORH and Shiloh will need to be five lanes. There simply isn't enough water left in the Russian River to support this facility.

The soul of Windsor is in the line. If this monstrosity is approved, the entire character of Windsor will be destroyed. The history of Windsor will be divided into two chapters. BC and AD--Before the Casino and After Development.

Don't let this happen. Vote to approve the resolution in opposition to the casino.

See you on Wednesday evening.

David Brayton

From: Carrie Marvin <caretoride@yahoo.com>
Sent: Saturday, April 16, 2022 7:08:43 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Wednesday's meeting

Please be aware that Carrie, Jon and Theo Marvin of The Foothills in Windsoe would like the town council to vote aye in this matter. In that the Town of Windsor supports retaining the existing Sonoma County General Plan land use designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Road; and that the Town Council of the Town of Windsor, support the continued use of the land for agricultural purposes; and that the Town Council of the Town of Windsor, SUPPORT the Board of Supervisors of the County of Sonoma in OPPOSING the establishment of the casino. This land should not be used for a casino. And furthermore we have great concern about water and fire. Please honor Windsor neighbors concerns about this parcel of land. No casinos in neighborhoods. Thank you.

Carrie, Jon and Theo Marvin

[REDACTED]

windsor

Sent from my iPhone

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Saturday, April 16, 2022 7:32:41 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Casino at 222 E. Shiloh Rd.

To all members of the Town Council:

I strongly urge your adoption of the proposed Resolution opposing the Koi casino project, and I hope you will follow the lead of the Sonoma County Board of Supervisors in this matter.

Janice Sexton
[REDACTED]
Windsor, CA 95492

From: cd4ques@aim.com <cd4ques@aol.com>

Sent: Saturday, April 16, 2022 11:16:52 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: We are against the proposed Koi casino on East Shiloh Road and Old Redwood Hwy

It doesn't belong in this area and the small Band of Koi Indians have no rights here. Also, fire, water, sewer, traffic, etc. etc, are issues that make it a detriment to all of us. Please oppose it!!

Sent from the all new AOL app for iOS

From: Katherine Schram <schram@sonic.net>
Sent: Sunday, April 17, 2022 5:58:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: 222 E Shiloh Resolution

I would like to urge the Town Council to vote in favor of the Resolution to keep 222 E Shiloh Road as Intensive Agricultural Land and oppose the building of a casino.

Thank you,
Katherine Schram

From: Linda McBride <linda.mcbride@icloud.com>
Sent: Sunday, April 17, 2022 7:54:55 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed casino @ 222 E. Shiloh Road

Dear Council members,

As a long-term member of this community, I wholeheartedly support this resolution as written. Please come together to take a stand against the Koi nation building this casino in a well-established residential neighborhood, across from a park where our community gathers. In addition to the negative impact of a casino, our community has lived through a full-scale evacuation due to fire and the risk of that happening again is high in either Foothill Park or Shiloh Park. Adding that many casino guests and staff to an evacuation route that was already challenged would be irresponsible.

Thank you,

Linda McBride

[REDACTED]

Windsor, CA

[REDACTED]

From: Amy Hoover <amychoover@gmail.com>
Sent: Sunday, April 17, 2022 1:15:14 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Resolution regarding casino

Dear Mr Mayor and Town Council Members,

I am writing on behalf of our household in the Foothills area of Windsor. We are very much against the Koi Nation's intent to build a casino with restaurants and hotel on the property at Shiloh Road.

This is a heavily trafficked area, going into and out of Windsor. The idea of yet another casino is abhorrent to us. Our county has more than our share of casinos, we do not need anything more than the agriculture that this property has been zoned for.

Your Resolution is thorough and specific. We wholeheartedly support any and all actions on your part to keep this particular project away from that area. Thank you.

Amy and Chris Hoover



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Sent from Gmail Mobile

From: jscoppedge@att.net <jscoppedge@att.net>

Sent: Sunday, April 17, 2022 3:55:10 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Proposed Casino Site Location-Residential neighborhoods are inappropriate

Hello Windsor Council Members—

Please take a few moments to review the attached pertaining to the Proposed Casino Site on Shiloh Road. Our opposition is to the location of this Casino—in the middle of a residential neighborhood.

Thank you for your commitment to the safety and well-being of your residents and neighbors.

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

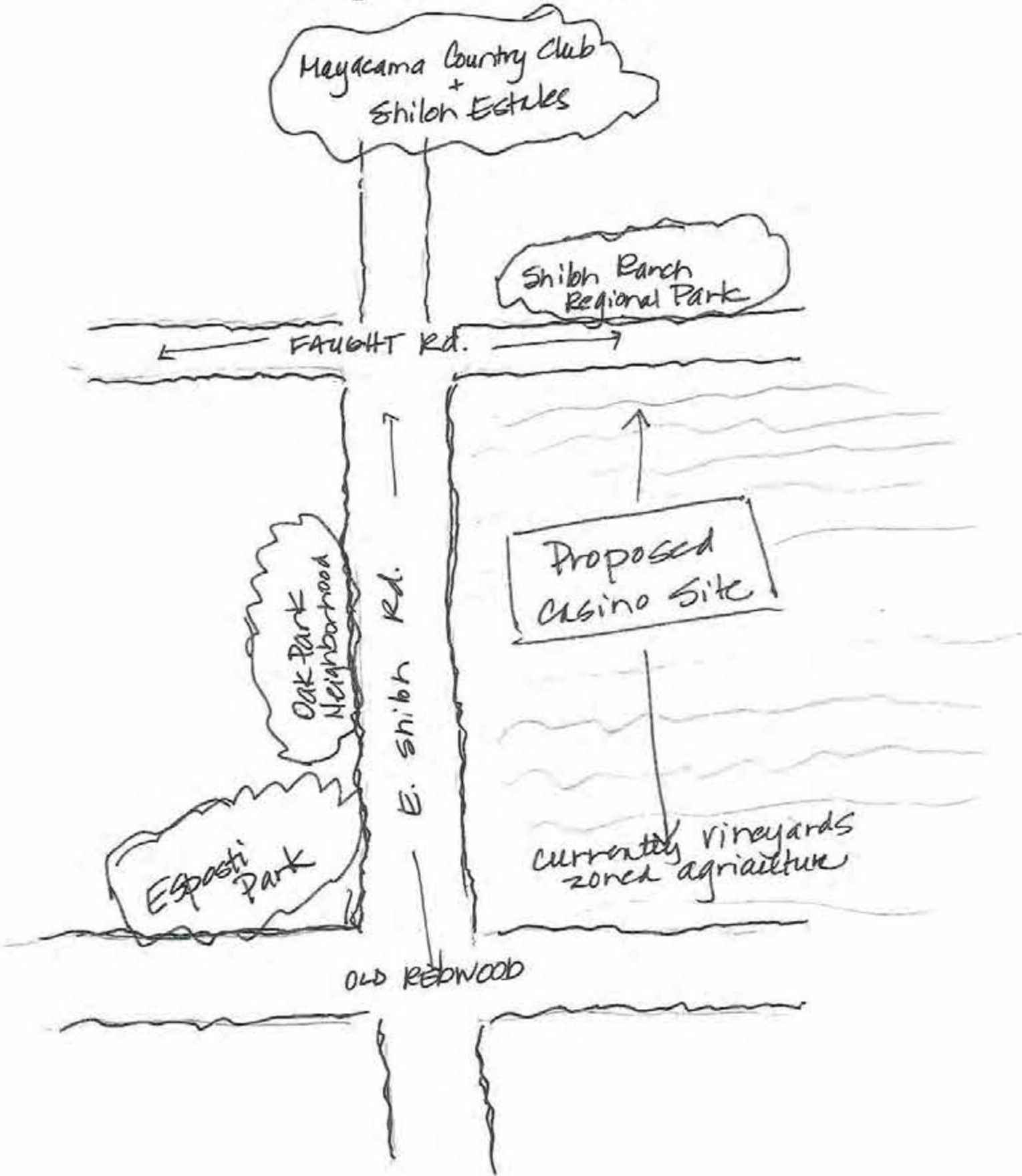
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



From: Elizabeth Acosta [REDACTED]
Sent: Saturday, April 16, 2022 3:48:25 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: April 20, 2022, Town Council Agenda; item 12.4

Please redact our email address prior to publishing on the Town's website; please forward to Mayor Salmon, Vice Mayor Lemus, and Councilmember Reynoza all of whom currently represent District 4.

We support adoption of item 12.4; we encourage the Town Council to oppose development or uses that are inconsistent with the current land use designation of Land Intensive Agriculture on the property at 222 E. Shiloh Road. Further, we support the Town Council joining the Sonoma County Board of Supervisors in stating its opposition to establishment of a casino at the property named in the Resolution.

Thank you for considering our comments.

Stephen Rios & Elizabeth Acosta
Windsor Residents (D-4)

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Shiloh Casino

My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
[REDACTED] Windsor, CA 95492

--

Be yourself, everyone else is taken.

From: Tayler Hockett <hocketttayler@yahoo.com>
Sent: Monday, April 18, 2022 11:09 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: proposed casino on Shilo rd

To whom it may concern,

I am writing to help inform and compel to make sure we do not build a casino on Shilo rd. As a counselor, I work with children and families; and encourage them regularly to get outside and exercise, often trying hiking and cycling. I generally encourage them to go to Shilo as it is often quieter, family-friendly and offers great trails and views. Now more than ever hiking, playing sports, and in general getting exercise and being outside is so important! Our kids and families need parks and outdoor activities made more accessible and friendly, not less. The rise in mental needs and increasing rates of obesity and off the charts since covid. A major deterrent to exercise is accessibility and getting to the parks. Increasing the traffic and likely hood of accidents on Shilo rd by building a casino will directly decrease the safe access and thereby use of the parks.

Secondly, as a cyclist and competitive triathlete I genuinely feel a connection to the trails at Shilo and though a casino would not remove it would greatly diminish the nature Shilo has to offer.

I completely understand it will bring in jobs and capital to the town of Windsor, and agree that is needed right now. However, it is clearly shown casinos increase rates of DUIs nearby, and Shilo rd already being a narrow road with little to no shoulder it will greatly increase possibly and in all likely hood will increase auto, cyclist, and pedestrian accidents. This is a situation where common sense needs to supersede other motivations. Clearly, a casino will increase accidents and drastically change the nature and park dynamics close by, the most concerning factor is that Aposti park is where children, families, sports teams, etc meet and play. Another casino may have its place in Sonoma County (that of course is a matter of opinion), that place is simply not by the family park where children play and a county park where we as a community can enjoy nature.

I am happy to elaborate further about why Shilo in particular is a great park to use, and have stats relating to mental and exercise, rates of accidents near casinos, and more. Please feel free to reach out with any questions.

Sincerely,

Tayler Hockett, MA

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

From: Lynn Darst <backpackers_darst@sprynet.com>

Sent: Monday, April 18, 2022 1:56 PM

To: Town Council <TownCouncil@Townofwindsor.com>

Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst


Sent from my I-Pad

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you contact The Bureau of Indian Affairs at the following address and share with them the inappropriateness of this proposed location—and as such, this property should not move from fee to trust.

Darryl La Counte, Director of the Bureau; Bryan Newland, Assistant Secretary
Bureau of Indian Affairs
Depart of the Interior
1849 C Street, N.W. MS-4606
Washington, D. C. 20240
Phone: (202)208-5116

We appreciate your attention in this matter and sincerely hope that you and your fellow state, local and community leaders will do everything in your power to change the location of this proposed Casino site to a non-residential location.

Thank you,

Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
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FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

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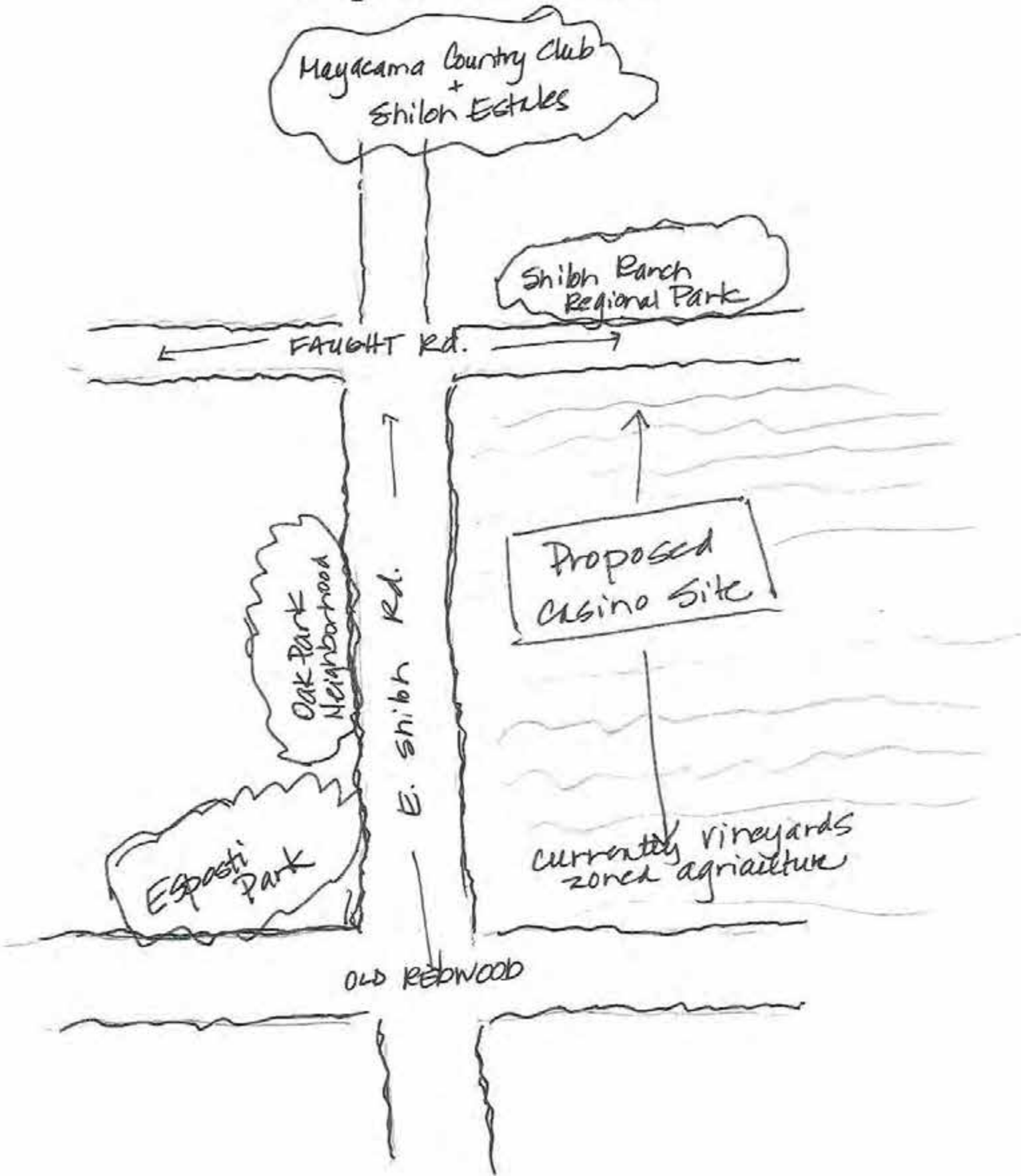
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- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, June 30, 2022 9:39 AM
To: Town Council; Mark Linder; Patrick Streeter
Cc: Irene Camacho-Werby
Subject: Re: Koi Nation Environmental Assessment Scoping -- Town of Windsor Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please provide a copy of the town official public comments submitted to the BIA. You said this would be done 10 days ago, it was due on Monday, and you did say you would post it to the website. A search today turns up nothing. Are you hiding something??

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Monday, June 27, 2022 at 05:48:05 PM PDT, betsy mallace <betsymallace@yahoo.com> wrote:

Could you please direct me to the link to the town website posting the response? The search function comes up empty.

Thanks,

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

On Tuesday, June 21, 2022 at 04:58:30 PM PDT, Mark Linder <mlinder@townofwindsor.com> wrote:

Thank you, Betsy. We have previous Council action plus our own technical review to guide us. We have developed a response and will be sending it to the appropriate parties tomorrow. I feel our responses incorporate the community issues that have been expressed. We will post our response on the Town's website.

Mark

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Mark Linder <mlinder@townofwindsor.com>; Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace

betsymallace@yahoo.com

Irene Camacho-Werby

From: Deanna Williamson <Deanna.Williamson@jfwmail.com>
Sent: Wednesday, June 7, 2023 11:52 AM
To: Town Council
Cc: icarus062@yahoo.com; D Williamson
Subject: No on Windsor Casino

Dear Town Council,

We are vehemently opposed to a new casino in our small, charming, family-oriented town. I have witnessed firsthand how Graton Casino absolutely destroyed Rohnert Park and Cotati (my place of residence for 20 years.) In fact, it was a major decision to leave Cotati in 2017 after years of watching both neighboring cities change for the worse. Who wants to pay Sonoma County cost of living prices while being accosted weekly by drugged out or homeless people in the local Safeway parking lot?

I feel it will bring in the same devastating external influences that Rohnert Park has experienced such as increased crime, individuals with mental health issues, drug use and miserable traffic—the very things most Windsor residents have been fortunate to escape to this point. Why would you allow this business to strip away what is so very precious about our town?

Please let me know where else we can send our concerns. I am happy to message Senator McGuire and our local legislators as well.

Sincerely,

DEANNA WILLIAMSON | Event Coordinator

o: 707.576.3832 | c: 707.331.2807
deanna.williamson@jfwmail.com
www.JacksonFamilyWines.com



Irene Camacho-Werby

From: Mark Linder
Sent: Monday, February 28, 2022 1:32 PM
To: Nina Cote; Town Council
Subject: RE: Towns Council Meeting March 2nd

Good afternoon, Nina.

As the casino location is not in the Town, we are trying to coordinate community meetings with the Bureau of Indian Affairs. The BIA has authority over what will happen with this project will be conducting community meetings on the project.. We are also in communication with the County as the land is in the County. We believe a community conversation about the impacts of this project is very important. We will work with your organization, the County and the BIA to be sure these conversations happen. When we get an idea of where, when, and how the BIA will be conducting community meetings we will let know.

Thank you.

Mark Linder
Interim Town Manager

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

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Monday, February 28, 2022 12:00 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Cc: Nina Cote <nina.cote@sbcglobal.net>
Subject: Towns Council Meeting March 2nd

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Respectfully, I would like to request that the Opposition to the Location of the proposed casino on 222 East Shiloh Road be added to the agenda of the next town council meeting.

Thank you! Nina

Nina Cote'
Our Community Matters
707-293-4919
5828 Mathilde Drive
Nina.cote@sbcglobal.net
Our communitymatters2@gmail.com

Irene Camacho-Werby

From: Lynn Darst <backpackers_darst@sprynet.com>
Sent: Monday, April 18, 2022 1:56 PM
To: Town Council
Subject: Resolution to Oppose Casino Resort on E. Shiloh Road

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WINDSOR TOWN COUNCIL MEMBERS:

My husband and I fully support a Resolution by the Windsor Town Council to oppose the Casino Resort on E. Shiloh Road.

E. Shiloh Road is surrounded by neighborhoods, churches schools and parks. Additionally with the multiple evacuations due to the fires/firestorms in our area, we have historical data that shows that the proposed site is in a key evacuation zone. Shiloh and Old Redwood Highway, along with Highway 101 was absolute gridlock. This type of business is an invitation to 20,000-50,000 people visiting per day. To allow this to happen is a disaster in the making - - certainly there would be deaths from the neighborhoods that surround the proposed project, and highly likely customers from the business in any future evacuations. Save lives!!!!

The proposed casino resort is an INAPPROPRIATE LOCATION!!!!!!

Please follow the lead off the Sonoma County Board of Directors and sign the Resolution in Opposition,

Lynn Darst
707 318-9917

Sent from my I-Pad

Irene Camacho-Werby

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Monday, April 18, 2022 12:24 PM
To: Town Council
Subject: Shiloh Casino

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My husband and I live on Lea Street one block off east Shiloh. We are vehemently opposed to another casino being built in Sonoma County, ESPECIALLY in the middle of a residential area. This is a no brainer—traffic congestion and limited water during another historic drought alone makes this an incredibly short sighted project BUT in the middle of a residential area??? Absolutely NO MORE CASINOS here in Sonoma County. STOP THE GREED.

Barbara and Dave Collin
224 Lea St, Windsor, CA 95492

--

Be yourself, everyone else is taken.

Irene Camacho-Werby

From: Joan Chance <joanchance@comcast.net>
Sent: Tuesday, April 19, 2022 7:54 PM
To: Town Council
Subject: Opposition of Proposed Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Attn: Windsor Town Council -

It was so encouraging to see that The Sonoma County Supervisors passed a Resolution opposing the Casino Resort along Shiloh Road. As a member of Our Community Matters, I highly encourage the Windsor Town Council pass the proposed resolution.

This is not an appropriate place for a casino resort. It is not only zoned for agricultural use, but why would anybody want to build a casino resort near elementary schools, churches, regional parks and established neighborhoods? Apparently the tribe that wants to build this is not even established in this area.

With the fires that have threatened this area in the past few years, evacuation would be impossible with the estimated 23,000 to 52,000 expected guests to attend this proposed resort. Not only that, Sonoma County wants to monitor residential wells. If the casino was built, they would use more water in one day than we would use in a year. The town of Windsor has made it very clear that we are in a severe drought. This is not the appropriate site for a casino resort. It would devastate our community.

Please seriously consider following the lead of the Santa Rosa Supervisors...

Sincerely, Joan Chance

Irene Camacho-Werby

From: suzibill <suzibill@sonic.net>
Sent: Tuesday, April 19, 2022 6:19 PM
To: Town Council
Subject: Proposed Casino Resort on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Council Members,

I have read up on the proposal to build a casino resort, the largest in Sonoma County, at the site on Shiloh Rd and Old Redwood Hwy. I am convinced that such a business would be detrimental to the park and neighborhoods nearby as well as negatively impact our ground water supply and safe evacuation when (not if) it is needed. It's the wrong enterprise for this location.

I urge you all to show solidarity, follow the lead of the Sonoma County Board of Supervisors and put forth a Resolution opposing the Casino Resort. Please do not try to hedge or waffle on this issue-it is too important. Come forth clearly and strongly with a resolution of opposition.

Sincerely,
Suzi Malay
590 Leafhaven Ln. Windsor CA.

Irene Camacho-Werby

From: Laurie <meanlaureen@gmail.com>
Sent: Wednesday, April 20, 2022 9:03 AM
To: Town Council
Subject: Casino opposition

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mayor and Windsor Town Council,

I'd like to offer my support in the resolution as written to retain the existing Sonoma County General Plan Land Use Designation of Land Intensive Agriculture for the property located at 222 E. Shiloh Rd.

I OPPOSE the Casino Resort.

Sincerely,

Laureen Buettner

Occidental, Ca

Sent from [Mail](#) for Windows

Irene Camacho-Werby

From: Todd S <tlcl.sloan@gmail.com>
Sent: Wednesday, April 20, 2022 9:06 AM
To: Town Council
Subject: Resolution regarding Casino on Shiloh Rd.

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Greetings Town Council,

I am a nearby resident to the proposed Casino site in Windsor off Shiloh Rd.

Please add me the list of those who strongly oppose this development going forward.

I understand a tribe using a casino to create jobs and income for people, but I question how this development impacts the surrounding area.

Ground water usage, including sewage treatment, the impact on the roadways and nearby services and neighborhoods.

It is too much, and does not fit in with the what is already in place. Are there not zoned areas for something this size in another part of Windsor, i.e. a business park?

If these are your concerns, and you don't have concrete solutions to these issues you should vote no on this project.

There is also the concern about evacuation planning in the event of a wildfire.

The Board of Supervisors was unanimous in voting against this development, I hope your votes will be the same.

Thank you,

Todd Sloan

Sent from my iPad

Irene Camacho-Werby

From: Nina Cote <nina.cote@sbcglobal.net>
Sent: Wednesday, April 20, 2022 1:04 AM
To: Town Council
Subject: Resolution to Oppose Proposed Location for Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

On April 20th the Windsor Town Council will be voting on a resolution to oppose the proposed Koi casino resort at 222 E. Shiloh Road.

The proposed location is in the midst of residential neighborhoods, parks, churches, and schools. The estimated number of visitors to the casino is over 25,000 per day, which is equivalent to adding the population of Windsor into this area daily.

The location is currently vineyards that have protected this area from fire two times in the last several years. The thought of losing the fire break as well as trying to evacuate with this number of added people is frightening.

This is truly not an appropriate location for a casino resort for so many reasons.

All five of our local Sonoma County tribes unanimously oppose this as well as your Town of Windsor constituents.

Thank you for putting this resolution on your agenda and I appreciate that the Town of Windsor will be going on record in opposition.

Sincerely, Nina Cote'
Windsor Resident

Irene Camacho-Werby

From: carolmartin016@gmail.com
Sent: Wednesday, April 20, 2022 11:55 AM
To: Town Council
Subject: Strongly oppose Casino project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Town Council,

I am a resident of Oak Park (next door to the proposed casino site).

I actually like going to casinos, but I strongly oppose locating a casino in a residential neighborhood.

I urge you to pass a resolution opposing the Casino Resort.

Thank you for your service to our community.

Sincerely,

Carol Martin

707-403-8200

218 Lea Street

Windsor, CA 95492

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

TO:

Chad Broussard @ BIA
Tribal Affairs, Sonoma County
Sn McGuire
City of Windsor Town Council

From: Bob and Nancy Jenkins
June 19, 2022

We were shocked and appalled at the prospect of a third casino in our county. We strongly oppose development of the proposed Koi Casino on East Shiloh Avenue in Santa Rosa, California for the following reasons:

The Sonoma County Board of Supervisors voted unanimously to oppose the proposed casino. The Board said in a statement that the Koi are a "non-Sonoma County tribe " The board said it came to the decision based on letters of **opposition from five other Sonoma County tribes: The Kashia Band of Pomo Indians, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria of Pomo Indians, Federated Indians of Graton Rancheria and Lytton Band of Pomo Indians.** All five federally recognized Sonoma County tribes and the County of Sonoma itself, have written letters in opposition to the Koi Nation's application to take lands into trust in Sonoma County, where they have no ancestral ties.

Sonoma County doesn't need another casino. The planned **casino** would sit only about 18 miles from the River Rock Casino and a mere 13 miles from the Graton Resort and Casino.

The casino will bring **traffic, pollution, crime and lowered property values** to a substantial area of northeast Sonoma County.

The surrounding neighborhoods have been evacuated multiple times each of the past four years. Those evacuations have resulted in total gridlock scenarios due to dense surrounding residential neighborhoods on East Shiloh Road and limited escape routes in the immediate area. Adding the casino users— hotel, spa, 6 restaurants and 2000 employees— would create a **death trap in a wildfire.**

This project will result in huge **water and sewer impacts.** The infrastructure which was not designed for this kind of Use. The area was designed to support residential and agricultural use, and that is how it is currently zoned.

We hope that you will deny this project and/or reconsider its location.

Sincerely,

Bob and Nancy Jenkins
Sebastopol, CA

Irene Camacho-Werby

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, October 12, 2021 12:51 PM
To: Town Council
Subject: Windsor Casino-Please say No

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

10/12/2021

Jeanne Harris Powell

208 Johnson Street

Windsor, CA 95492

jeannepowell@yahoo.com

707-548-4444

Dear Town Council Member of Windsor,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,

Jeanne Harris Powell

Irene Camacho-Werby

From: Beverly Hong <bevhongwalsh@gmail.com>
Sent: Thursday, October 26, 2023 9:21 PM
To: singer@singersf.com
Cc: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

To whom it may concern:

The Koi Nations casino will be a heartache for many.

1. The invasion by this new casino will create problems for the neighborhoods and kids involved. There are established neighborhoods

In the proposed location. Where as both River Rock and Graton are in more rural areas.

2. The Koi Nation is not even from Sonoma County. If this is allowed what would stop tribes from trying to set up where they are not from? This does not seem right.

3. This will cause much more traffic for this area.

4. Water use. How much water will be needed. We are still trying to recover from the drought.

5. With this, there will be much more in an area that has been quite and safe.

I believe if you asked, you would find many more people will oppose this rather than be for it.

Please reconsider this project and request other land which would be much more suitable.

Sincerely,

Beverly Hong-Walsh

70 Ellie Dr, Santa Rosa, CA 95403

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

Are you aware that the city of Windsor is now proposing an asphalt processing plant open near Shiloh road? It seems to me that the amount of trucks that would be going in and out of that plant would also impact the environmental review for the proposed casino. It does not seem like one can be considered without the other since neither would exist in a bubble.

What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

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I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

Thank you for all that participated last night in the BIA Zoom meeting. I presume the town will submit their comments regarding the significant impacts this project will have to Windsor. If you have not already, can you also request an additional 60 days to submit your comments? The BIA has historically agreed to additional time, and that way the town will not have to rush to get all the details compiled and submitted. I presume the town will publish and approve their letter before it is sent to the BIA. The impacts to the town of Windsor and its residents are so great, and it seems to me that the EA skipped over most of them. IE: evacuation, fire concerns, water, creek, wildlife, light pollution, noise pollution, traffic infrastructure, ect. ect, ect.

Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with greed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Irene Camacho-Werby

From: Casino Opposition - OurCommunityMatters <ourcommunitymatters2@gmail.com>
Sent: Sunday, October 9, 2022 10:13 AM
To: Town Council
Subject: Please Recind and Revise Proclamation
Attachments: OCM Letter to Town Council regarding 10 5 22 proclamtion.docx.pdf

October 9, 2022

Windsor Town Council
9291 Old Redwood Highway #400
Windsor, CA 95492

Dear Honorable Members Windsor Town Council Members,

On April 5th, 2022, the Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Tribes application to build a casino resort on the southeast corner of the intersection of Shiloh Rd and Old Redwood Highway. Their resolution was, in large part, based on the fact that the Koi tribe is not an indigenous, native Sonoma County tribe. Their decision was unanimously supported by the five local indigenous Sonoma County Pomo tribes who provided documentation in support of the Proclamation. Thereafter, the city of Windsor passed a like Resolution opposing the casino project and adopting the County ordinance. The

Resolution also reflected the overwhelming opposition of the neighboring community to the casino project. On October 5th, 2022, the town of Windsor during a town council meeting issued a Proclamation declaring the month of October 2022 shall be Annual Pomo Honoring Month. The proclamation goes on to describe how it is honoring ..." Native Pomo people" ... who... "have historically occupied and/or had important relationships with lands of Sonoma County, including lands now occupied by the town of Windsor." The Proclamation goes on to mistakenly identify the Koi tribe as a local Sonoma County tribe. The inclusion of the Koi by name in this Proclamation actually harms the very tribes you are honoring, as well as the citizens of Windsor, in that it supports the Koi's claim of being an indigenous Sonoma County tribe.

Time is of the essence. The Proclamation in its current form does not reflect the town of Windsor's prior Resolution and is detrimental to efforts opposing the casino project. Please notify the Koi Tribe of the error and recall all copies of the Proclamation that have been distributed with appropriate language halting further use or publication. A new corrected Proclamation needs to be issued at your next meeting where you can publicly correct this error.

Best Regards,

Our Community Matters

P.O. Box 1421

Windsor, CA 95492

[Ourcommunitymatters2@gmail.com](mailto:ourcommunitymatters2@gmail.com)

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Thursday, September 28, 2023 5:17 PM
To: Town Council; Jon Davis
Subject: EA Comments, Koi Nation Shiloh Resort and Casino

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Hello,

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Many thanks for your attention to this ongoing matter.

Betsy Mallace
betsymallace@yahoo.com
707-836-1576
847-971-0716 cell

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

CONFIDENTIALITY NOTICE: This email message is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply email and destroy all copies of the original message.

Irene Camacho-Werby

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 8:33 PM
To: Kimberly Jordan
Cc: Irene Camacho-Werby
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Correction, Shiloh Crossing.

Patty

On Nov 17, 2021, at 7:23 PM, Patty Lundberg <p.lundberg@ymail.com> wrote:

It's Shiloh Apartments and yes it's "Affordable Housing." Not great if you are selling right around the corner.

Patty

On Nov 17, 2021, at 6:44 PM, Kimberly Jordan <kjordan@townofwindsor.com> wrote:

Hi Patty,
The Town does not have the information you are requesting. You would need to contact the developer identified for each of the projects to get the information requested.
Best Regards, Kim J

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 3:58 PM
To: Irene Camacho-Werby <iwerby@townofwindsor.com>
Cc: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: Re: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for this.

- 1.) Do you know the names of the business that will be operating under the apartments on Shiloh?
- 2.) Are any of these Section 8 or for the homeless? Do you know what will this be called?
- 3.) Which types of homes and price points for Overlook division on Mitchell and Windsor River Road.

I am turning 60 in January and want to put my house on the market in Spring. I doubt these will bring home prices up in Windsor : (Distressing news.

Patty
Birdie Drive

On Nov 17, 2021, at 2:16 PM, Irene Camacho-Werby
<iwerby@townofwindsor.com> wrote:

Hello Patty,

With regards to the inquiry regarding the proposed casino, the property the Koi Nation is proposing to develop a casino on is not within the Town's jurisdiction. There are federal and state approvals that must be secured by the Tribe before construction can proceed. At this time, we do not have a sense of the timing for federal and state review or for construction of the casino should the Tribe receive those approvals.

Sincerely,
Irene

Town Clerk | Town of Windsor
Office (707) 838-5315
iwerby@townofwindsor.com
Office Hours: Mon. – Thurs. 7:00 am to 6:00 pm

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

From: Kimberly Jordan <kjordan@townofwindsor.com>
Sent: Wednesday, November 17, 2021 1:19 PM
To: Patty Lundberg <p.lundberg@ymail.com>
Cc: Irene Camacho-Werby <iwerby@townofwindsor.com>
Subject: RE: New construction in Windsor - Shiloh Road, Mitchell Lane, and Possible Casino

Good afternoon Patty,

Thank you for contacting the Town regarding the developments below. Attached is the Town's current Major Project List. The project at Mitchell Lane and Windsor Road is the Overlook project. The projects on Shiloh Road and Golf Course Drive are Shiloh Mixed-Use and Shiloh Apartments. Information regarding these projects can be found in the attached list, including the project planner who can answer any questions you may have regarding the individual developments.

I have copied the Town Clerk on this email, since I think questions regarding the possible development of a casino are being answered by the Town Manager's office, but am not sure.

Best Regards, Kim J

Kimberly Jordan | Planner III
Town of Windsor | 9291 Old Redwood Highway Bldg. 400 | Windsor, CA 95492
707-838-1000 Main via Text or Phone | 707-838-5331 Direct | 707 838-

7349 Fax | Monday – Thursday 7am - 6pm www.townofwindsor.com

Due to Public Health Orders, I am working remotely outside of Town offices to avoid person-to-person contact and help prevent the spread of the coronavirus. I am checking my email and voice messages regularly during my work hours, 7:00 a.m. to 6:00 p.m., Monday through Thursday, and will return all messages within one business day.

Your patience and understanding as we work together to keep our community safe is appreciated. Please visit www.townofwindsor.com for more information.

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

From: Patty Lundberg <p.lundberg@ymail.com>
Sent: Wednesday, November 17, 2021 12:38 PM
To: Kimberly Jordan <kjordan@townofwindsor.com>
Subject: New construction in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hello,

I live on Birdie Drive in Windsor. Could you please tell me what is being built on the 3 parcels below and estimate completion dates for each.

1.) North side of Shiloh Road at Golf Course Drive (both East AND West of of Golf Course.

2.) Mitchell Lane and Windsor Road

I also read about the casino coming to 222 E Shiloh Road. Do you know when that will be built and it's estimated completion date.

Are there any other approved construction going on in Windsor?

I couldn't find this information on the Town of Windsor site.

Thank you

Patty

Irene Camacho-Werby

From: Lisa Shatnawi <lisashatnawi@gmail.com>
Sent: Sunday, August 28, 2022 4:55 PM
To: Town Council
Subject: Asphalt plant/ casinos etc

Hi town council,

First of all thank you for all that you do for our town!
I just want to weigh in on the casino and asphalt plant possibilities.
No to both! Let's keep our little town small and a sanctuary for us residents!
Please no smelly asphalt plant and no casino!

Sent from my iPhone

Blessings to you and yours,

Lisa Shatnawi
lisashatnawi@gmail.com

Irene Camacho-Werby

From: walterbrusz@comcast.net
Sent: Wednesday, April 20, 2022 12:00 PM
To: Town Council
Subject: Attached public comment on Casino Resolution
Attachments: Windsor Town Council comment 042022.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please find attached my public comment.

Walter Bruszewski

Irene Camacho-Werby

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Tuesday, September 6, 2022 8:39 AM
To: Kim Voge; Town Council
Subject: Bo Dean Asphalt/Koi Nation Shiloh Resort and Casino Project

I have this same question for town planners and city council that I've sent to the BIA.
Mary-Frances Makichen

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Date: September 6, 2022 at 8:15:09 AM PDT
To: Chad.broussard@bia.gov
Subject: Koi Nation Shiloh Resort and Casino Project

Hi Chad,

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What can be done to take this new information into account?

Thank you,
Mary-Frances Makichen

Irene Camacho-Werby

From: Arlene Santino <arlenesantino@yahoo.com>
Sent: Sunday, September 26, 2021 1:27 PM
To: Town Council
Subject: Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Windsor is a family town not Vegas do not allow this here in Windsor.

Sent from my iPhone

WALTER BRUSZEWSKI

219 Lea Street

Windsor CA 95492 USA

707.239.4054

April 20, 2022

The Windsor Town Council

My wife and I have lived in the Oak Park development in Windsor since 1998. Our back yard is directly adjacent to East Shiloh Rd. We can see the vineyard and oak trees from our kitchen and bedroom windows. We walk our dog in Esposti Park daily and hike in the Shiloh Ranch Regional Park about twice a week. We evacuated for both the Tubbs and the Kincaide fires. We are both retired and have hoped that we could live out our days where we are. If the proposed Koi Nation casino is developed on the parcel just behind our backyard, we will need to leave this neighborhood. Living next to 68 acres of parking lot, casinos and a 400-unit hotel is a miserable alternative which we will not entertain. We didn't come to Sonoma County for this.

I expect the Town of Windsor, on behalf of its citizens, to oppose the development using every means possible. The Koi nation has partnered with Global Gaming Solutions (GGS), a business which operates 23 casinos and is wholly owned by the Chickasaw Nation in Oklahoma. This organization, based in Oklahoma would operate the proposed casino. According to the Press Democrat, GGS "modeling shows this area is nowhere near saturation" and that "there is demand for a gambling facility of this size." We are members of Our Community Matters, a group which includes many more people than residents of Oak Park. None of us feels that a casino is needed here. In fact, we don't want it here!

We in California are facing what is essentially a permanent drought. The cause of the drought is Global Climate Change. I was trained to be an academic scientist and I continue to monitor scientific data which indicates that the Earth can tolerate no more heating. The wildfires, shortage of water, and disappearance of plant and animal species will only worsen. Everything about the casino will contribute to production of more greenhouse gasses and more drought. The casino project projects over 57,000 visitors a day. That means that the 68-acre parcel will be mostly parking lot and buildings. It is currently a vineyard with an established stream that drains the Mayacamas Mountains, a well-established riparian corridor and hundreds of old native California trees including oaks, buckeye, and laurels. This landscape consumes and stores greenhouse gasses and prevents warming. Asphalt, covered with thousands of cars adds to warming. Sonoma county, along with much of California is facing critically depleted aquifers. Aquifers are replenished when rain can be absorbed into the soil. Asphalt stops penetration and sends rainwater to the storm drains and into the sea. The water is lost.

If you visit the Graton Casino, you will get an idea of how much light and noise pollution will attend the proposed development, but the plan is for a casino twice the size of Graton. Now our neighborhood is dark at night and the soundscape is a subdued Coyote Symphony. If the project goes forward, the light pollution will be on the order of a large shopping mall.

This neighborhood has proven twice in recent times to be a high wildfire risk. As it is, a lot of people use East Shiloh as the evacuation route. Evacuation of thousands of people with their cars at the casino will endanger everyone.

I hope this letter helps clarify the threat that part of Windsor faces if casino development is not stopped.

With best regards,

Walter Bruszewski

Irene Camacho-Werby

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council
Subject: KOI shiloh casino

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Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Irene Camacho-Werby
Sent: Monday, September 20, 2021 9:50 AM
To: Sommer Hageman
Subject: FW: KOI shiloh casino

Sommer,

Please save to the file.

Thank you,
Irene

From: Kristine Hannigan <kristine.hannigan@gmail.com>
Sent: Saturday, September 18, 2021 10:43 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: KOI shiloh casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sam and town council,

I live in the neighborhood across the street in Windsor that they are proposing this casino. I am completely appalled that this is something that could potentially go up where I live. I moved from San Francisco to Windsor last year to live in a peaceful rural neighborhood. I spent a lot of money to do this.

The neighborhood across the street all have open space easements on the property. I could not build a pool on part of my property for that reason, it is preserved as agricultural land. Now they are going to put a casino in across the street? That certainly is not preservation and does not align with what I was told by the city or county.

I need to know what we can do to make sure this does not happen, I need your support. I will fight and take this where I need to, to stop this. I know you don't control this but you need to ban together with local leaders and I NEED you to be VOCAL about this. I am reaching out to Newsom and Pelosi through personal relationships and I expect you to extend your rolodex as well.

This is my neighborhood, not some strip mall! I am so angry. Please ban together with your other leaders to oppose this. This same tribe dropped pursuing a casino in Oakland in 2005 when city/town and County leaders banned together to oppose this. If there are leaders that support this, I must know and we need to know publicly. This is a gross act upon our neighborhood and where our children sleep at night.

I expect a response and hopefully you are already working on this.

Best,
Kristine Hannigan
6166 Lockwood Dr
Windsor, Ca

Irene Camacho-Werby

From: Kim@kimedwards.com
Sent: Thursday, June 9, 2022 2:05 PM
To: Town Council
Subject: Koi Nation Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Sonoma County is wine country not casino country. We already have 2 casinos which, fortunately, were not built in neighborhoods. We don't need a third. The disruption to the surrounding neighborhoods will include substantially increased traffic and associated accidents, elimination of a very popular bike route, negatively impacted real estate values, additional pressure on the limited water and power resources, and increased local crime.

Please stop this development

Kim Edwards
6238 Cottage Ridge Road
95403

Sent from my iPad

Irene Camacho-Werby

From: betsy mallace <betsymallace@yahoo.com>
Sent: Tuesday, June 21, 2022 2:26 PM
To: Town Council
Cc: Mark Linder; Irene Camacho-Werby
Subject: Koi Nation Environmental Assessment Scoping -- Public comments

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Hi,

I am sorry I missed the last meeting, I was at the yearly Windsor Historical Museum meeting, both happening at the same time.

I just realized that the Towns public comment for the Koi Nation Environmental Assessment scoping was not publicly discussed/agendized. All comments are due to the BIA not later than 6/27/2022. There are no meetings scheduled between now and the due date.

Can you let me know where the town stands on their official public comments?? Will you ask for a 30 day extension so you can get community input? Since this is a scoping comment period, anything NOT mentioned will never be considered, so now is the time to let them know ANY/ALL our concerns.

Below are the links to the NOP and the EA. Looking forward to your reply. Many thanks,

<https://www.shilohresortenvironmental.com/>

https://www.shilohresortenvironmental.com/wp-content/uploads/2022/05/NOP_EA.TEIR_Koi-Nation-Shiloh-Resort-and-Casino-1.pdf

Betsy Mallace
betsymallace@yahoo.com

Irene Camacho-Werby

From: Marie Scherf <mscherf@bpm.com>
Sent: Saturday, November 4, 2023 7:16 PM
To: Town Council
Subject: Koi Nation Proposal

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Allowing a casino to be built on that site in Windsor would be disastrous for the neighborhood and for all the people who use Shiloh Park. It's such a beautiful area and the impact of a bustling casino would be so negative for pollution, traffic, etc. plus it would be a visual eyesore on a relatively pristine rural and agricultural landscape. According to my readings in the PD, the Koi Nation doesn't even have roots in this area, so I am astonished that this would be seriously considered.

Whatever else I can do to vote NO on this proposal, please let me know.

Marie Scherf
745 Jean Marie Drive
Santa Rosa, CA 95403
(707) 365-0011

NEW TAX LAWS

There have been many recent tax law changes. For more information about these new tax laws, please visit our website at www.bpm.com

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Irene Camacho-Werby

From: Kathy Carey <kathy.r.carey@gmail.com>
Sent: Friday, October 1, 2021 6:27 PM
To: Town Council
Subject: Koi Nation Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please do not allow this. Town of Windsor has a small town charm and this will no longer be the case if you allow this. Do not ruin this town with creed and kickbacks. The traffic in this area will be ridiculous. It will ruin my commute to work and the poor over 50 senior mobile home park across the street will suffer as well. For once, think of the town's residence and not your campaign kickbacks. If this is allowed, I swear I will make it my mission to see that you all are voted out of office. Don't sell us out!

Our Community Matters
An Association of Neighbors in Sonoma County, CA

5828 Matilde Drive
Windsor, California 95492

Telephone: (707) 293-4919
Email: ourcommunitymatters2@gmail.com

October 30, 2021

Via U.S. Mail and Email

Email Address: IndianGaming@bia.gov

Paula Hart, Director
Office of Indian Gaming
U.S. Department of the Interior
1849 C Street, N.W.
MS-3543-MIB
Washington, D.C. 20240

Re: Request for Restored Lands Determination by Koi Nation

Dear Director Hart:

Our Community Matters, a neighborhood association of over 150 Sonoma County residents, submits this letter in opposition to the request for a “restored lands” determination sought by the Koi Nation of Northern California, previously called the Lower Lake Rancheria (the “Tribe”). The Tribe announced that it has recently purchased 68 acres of land in the unincorporated area of Sonoma County for the purpose of building a 1.2 million square foot casino calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center, and a spa. We understand the Tribe is seeking an exception to the prohibition of gaming on newly-acquired lands pursuant to the 1988 Indian Gaming Regulatory Act (“IGRA”).

The subject property contains several vineyards and a single grand residence, located at 222 E. Shiloh Road, Santa Rosa, California (the “Shiloh Property”). Sonoma County records reveal that a California limited liability company named Sonoma Rose LLC purchased the Shiloh Property on September 1, 2021. (See Attachment 1.) The Tribe does not currently hold ownership of the land in its own name.

The Shiloh Property directly abuts the Southeast edge of the Town of Windsor (population 27,447) and lies at the corner of two main traffic arteries, Shiloh Road and Old Redwood Highway. Many houses are directly across the street from the property along East Shiloh as well as Old Redwood Highway, including homes in the Oak Park subdivision and the Colonial Park mobile home park.

Neighbors formed *Our Community Matters* for the sole purpose of opposing the Tribe’s proposed mega-casino and resort on the Shiloh Property, as we are convinced the project would be devastating to our community, cause health and safety issues, and negatively impact the environment. Put simply, the location is inappropriate for the Tribe’s proposed mega-casino and resort project.

For purposes of the Office of Indian Gaming Management’s (“OIGM’s”) review, it is perhaps even more important that the Tribe has no historical connection to the Shiloh Property nor the surrounding community. The Tribe has simply gone shopping for a place to put a casino and, without consulting any neighbors or local government officials, has decided that our backyard is the best place for it. The location, however, is not well-chosen, and construction of the mega-casino and resort will likely have damaging consequences.

Below is a discussion of the issues and what we have discovered.

I. The Tribe’s Request for Permission to Game on the Shiloh Property Should Be Denied Under IGRA

A. IGRA’s Legal and Regulatory Framework

Indian tribes may operate casinos only on “Indian lands” that are eligible for gaming under the IGRA. To be deemed “Indian lands” per the IGRA (25 U.S.C. § 2703), the land must be located within the limits of a tribe’s reservation, be held in trust by the United States for the benefit of the tribe or its members, or be land subject to restrictions against alienation by the United States for the benefit of the tribe or its members. Additionally,

the tribe must have jurisdiction and exercise governmental powers over the gaming site. If the land is not “Indian lands” and fails to meet these other requirements, then it is subject to state gambling laws.¹

Importantly, the IGRA (25 U.S.C. § 2719 (“Section 2719”)) contains a general prohibition against gaming on lands acquired into trust after October 17, 1988. Tribes may game on such after-acquired trust land only if the land meets one of the two exceptions listed in Section 2719:

1. If the Secretary, “after consultation with the Indian tribe and appropriate State and local officials, including officials of other nearby Indian tribes, determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, but only if the Governor of the State in which the gaming activity is to be conducted concurs in the Secretary's determination” (25 U.S.C. § 2719(b)(1)(A)); and
2. The lands are “taken into trust as part of— (i) a settlement of a land claim, (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process, or the restoration of lands for an Indian tribe that is restored to Federal recognition.” (25 U.S.C. § 2719(b)(1)(B)(iii).)

Our Community Matters understands the Tribe is not seeking to utilize the first of these exceptions to obtain permission to build a casino on its newly-acquired land per 25 U.S.C. § 2719(b)(1)(A), as doing so would require it to consult with State and local officials and other nearby tribes. Rather than reaching out to these community groups and officials to gain support for its mega-casino project, the Tribe simply announced it via the press, to the surprise of Federal, State, and local officials.² The Tribe is seeking to circumvent this collaborative process most likely due to the fact that it has used it in the past to no avail: we understand the Tribe’s previous requests to build casinos in Vallejo and Oakland were soundly rejected.

The Tribe is thus currently invoking the second exception, seeking to be deemed a “restored tribe” and for its purchase of the Shiloh Property to be considered a “restoration of lands” under Section 2719(b)(1)(B)(iii). While a District Court has determined the Tribe is a “restored tribe” under IGRA,³ the Tribe’s request for the Shiloh Property to be deemed a “restoration of lands” should be rejected.

Because the IGRA does not define the term “restoration of lands,” and the language is susceptible to multiple meanings, it is subject to interpretation by the Department of Interior (“DOI”) through regulation.⁴ The DOI has adopted regulations to interpret the exception, as well as “[w]hat must be demonstrated to meet the ‘restored lands’ exception” found at 25 U.S.C. § 2719(b)(1)(B)(iii). (25 C.F.R. § 292.7; Gaming on Trust Lands Acquired After October 17, 1988, 73 Fed. Reg. 29,354 (May 20, 2008) (“Part 292”).)

¹ See National Indian Gaming Commission: Definitions Under the Indian Gaming Regulatory Act, 57 Fed. Reg. 12382, 12388 (1992).

² See <https://www.pressdemocrat.com/article/north-bay/koi-indian-tribe-unveils-plans-for-600-million-casino-resort-in-sonoma-cou/>.

³ See *Koi Nation of N. California v. United States Dep't of Interior*, 361 F. Supp. 3d 14 (D.D.C. 2019), amended sub nom. *Koi Nation of N. California v. United States Dep't of the Interior*, No. CV 17-1718 (BAH), 2019 WL 11555042 (D.D.C. July 15, 2019), and appeal dismissed sub nom. *Koi Nation of N. California v. United States Dep't of the Interior*, No. 19-5069, 2019 WL 5394631 (D.C. Cir. Oct. 3, 2019). While there may be other challenges to the Tribe’s status as a “restored tribe” under IGRA not addressed in that decision, *Our Community Matters* expresses no opinion on that issue.

⁴ See, e.g., *Grand Traverse Band of Ottawa and Chippewa Indians v. U.S. Attorney for W. Dist. of Mich.*, 198 F. Supp. 2d 920, 928 (W.D. Mich. 2002), aff'd 369 F.3d 960 (6th Cir. 2004); *Oregon v. Norton*, 271 F. Supp. 2d 1270, 1277 (D. Or. 2003).

Pursuant to Part 292, to show that lands qualify as “restored,” a tribe must establish:

- (a) a modern connection to the lands;
- (b) a significant historical connection to the lands; and
- (c) a temporal connection between the date of acquisition and the tribe’s restoration.

(25 C.F.R. § 292.12 (“Section 292.12”).)

To demonstrate a “significant historical connection” under Part 292, a tribe can either (a) show that “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty”; or (b) “demonstrate by historical documentation the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” (25 C.F.R. § 292.2.) As the DOI explained in the preamble to Part 292, the word “significant” was used because it “reinforces the notion that the connection must be something more than ‘any’ connection.” (73 Fed. Reg. at 29,366.)

Further, the structure of Section 292.12 indicates that the connection demonstrated must be to the newly-acquired land itself, not simply its surrounding area. As explained in the preamble to the final rule promulgating Part 292, what is required is “something more than evidence that a tribe merely passed through a particular area.” (73 Fed. Reg at 29,366.)

B. The Shiloh Property is Not the Tribe’s “Restored” Lands

The Tribe’s request for the Shiloh Property to be deemed its “restored” lands does not meet Section 292.12’s second requirement, that the Tribe have a “significant historical connection” to that land, for two reasons.

First, the Shiloh Property is not located within the boundaries of the Tribe’s last reservation under a ratified or unratified treaty. (See 25 C.F.R. § 292.2.) The Tribe’s last reservation was purchased by Congress in 1916: a 140-acre parcel in Lake County between the towns of Lower Lake and Clear Lake Heights known as Purvis Flat. Purvis Flat is approximately 49 miles from the Shiloh Property; the Shiloh Property simply does not fall within the reservation’s boundaries. Further, on its website, the Tribe verifies that after the government sold Purvis Flat to Lake County for a municipal airport, the Tribe became landless.⁵ Accordingly, the Tribe cannot reasonably claim the Shiloh Property is located within the boundaries of the Tribe’s last reservation.

Second, research has revealed no evidence to demonstrate the existence of the Tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the Shiloh Property. (See 25 C.F.R. § 292.2.) In fact, the Tribe’s ancestral home was on an island in Clear Lake in Lake County, approximately 55 miles North of the Shiloh Property.⁶ The distance between the Shiloh Property and the Tribe’s ancestral lands is just too great to demonstrate a “significant historical connection” between the two. In addition, the Tribe’s lack of historical connection to the Shiloh Property area was also recently verified in a Cultural Resources Study focusing on property at the corner of Shiloh Road and Old Redwood Highway, presented to the Town of Windsor’s Planning Commission regarding a proposed residential project at that corner.⁷ While nine tribes were listed as possibly having a historical connection to the area, none of them were the Koi Tribe.

While the Tribe will likely argue that some of its members have resided in Sonoma County over the past hundred years or so, such a factor is insufficient to demonstrate a “significant historical connection” to the Shiloh Property. Indeed, while a tribe’s activities in the vicinity of a property may be used to reasonably infer a

⁵ See <https://www.koinationsonoma.com/history/>.

⁶ See <https://www.koinationsonoma.com/history/>.

⁷ See https://windsor-ca.granicus.com/MetaViewer.php?view_id=2&clip_id=1308&meta_id=81164, at pages 10, *et seq.*, and Attachment A.

tribe used the subject property for subsistence use, no such inference can be made by showing tribal members lived within a 10-20 mile radius of the property in modern times. Section 292.12 requires the Tribe to show a connection to the newly-acquired land *itself*, not just the surrounding area, as it provides that “[t]o establish a connection to the newly acquired lands [for the purposes of the restored lands exception] . . . [t]he tribe must demonstrate a significant historical connection *to the land*.” (emphasis added). Research has revealed no evidence the Tribe or its members have had any connection to the Shiloh Property *itself*, and such a connection is highly unlikely due to the fact the property has been in private hands.

Moreover, the DOI’s past “restored lands” decisions also demonstrate the Shiloh Property should not be declared a “restoration of lands” for the Tribe. For example, on February 7, 2019, the DOI denied a request by another Lake County Indian tribe, the Scotts Valley Band of Pomo Indians (“Scotts Valley”), for a “restored lands” determination for its newly-acquired parcel in the City of Vallejo, California.⁸ In fact, Scotts Valley had a stronger case than the Tribe for a restored lands determination, as it claimed its ancestors collected provisions near the subject land, and that a tribal chief traveled in the region throughout his life, may have been baptized 17 miles from the land, and worked as a ranch hand and migrant laborer in the area of the land. Despite these ties, the DOI determined that Scotts Valley had failed to show a “significant historical connection” to the subject land because the intermittent presence of the Tribe’s ancestors did not indicate a broader presence to the area as a whole, and there was no evidence of ancestral use of the subject land itself. Scotts Valley has sought to overturn that decision via judicial review, and the DOI’s motion papers filed in the case on October 1, 2021, demonstrate its commitment to enforcing current DOI regulations and policies on those issues.⁹

Moreover, the Federated Indians of Graton Rancheria has gone on record opposing the Tribe’s request for a “restored lands” determination for the Shiloh Property. Specifically, Chairman Greg Sarris stated in an article he authored: “This is an egregious attempt at reservation shopping outside the Koi Nation’s traditional territory and within the territory of other federally recognized tribes.”¹⁰ *Our Community Matters* believes this is the heart of the issue, and that the Tribe’s request for the Shiloh Property to be deemed its “restored” lands should be denied.

II. The Shiloh Property is an Inappropriate Location for a Casino and Resort

While not expressly part of the “restored lands” analysis, *Our Community Matters* believes it is also important to consider how inappropriate the Shiloh Property is for the location of a mega-casino and resort, as follows.

A. Proximity to Residences, Parks, and Elementary Schools

As shown on an aerial view of the Shiloh Property (*see* Attachment 2), it is located across the street from two housing areas on the North side and a mobile home park the West side (there is also a church on the West side). Esposti Park, which is a sports park utilized heavily by Little League teams, is located directly North across the street from the Shiloh Property at the corner of E. Shiloh Road and Old Redwood Highway.

In addition, the attached photo does not show the following: (1) Shiloh Park, a Sonoma County Regional Park which allows for nature-based hiking and horseback riding, is located just 0.4 miles to the West of the Shiloh Property; (2) San Miguel Elementary School, including its surrounding residential neighborhood, is located just 1.4 miles South of the Shiloh Property; (3) Mark West Union Elementary School, including its surrounding residential neighborhood, is located just 1.9 miles from the Shiloh Property; (4) Mattie Washburn Elementary

⁸ See <https://www.timesheraldonline.com/wp-content/uploads/2019/08/DOI-Letter-Scotts-Valley-Restored-Lands-Decision-re-Vallejo-2-7-2019-1.pdf>

⁹ See *Scotts Valley Band of Pomo Indians v. U.S. Dept. of the Interior*, U.S. Dist. Ct., District of Columbia, Case No. 1:19-CV-01544-ABJ, Memorandum in Support of Federal Defendants’ Cross Motion for Summary Judgment and in Opposition to Plaintiff’s Motion for Summary Judgment, Dkt. No. 55, Filed October 1, 2021.

¹⁰ See <https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility/>.

School, including its surrounding residential neighborhood, is located just 2.1 miles away from the Shiloh Property; and (5) both Shiloh Road and Old Redwood Highway are major travel arteries for the community.

There is simply insufficient space between the Tribe's proposed mega-casino/resort and these residences, parks and schools to prevent negative effects from noise pollution, light pollution, car exhaust pollution, and traffic from impacting the community. The ecological effects alone in this relatively rural and bucolic area would be substantial. Moreover, the associated negative aspects that ride along with casinos, such as theft, vandalism, drug use, trespassing, etc., would have an overwhelmingly negative impact on our small community.

Further, we are experiencing extreme drought at this time,¹¹ which is expected to be the new normal due to climate change. The Tribe's proposed mega-casino and resort would put tremendous demands on our local resources, including our water table, which we expect will cause water and other conditions to worsen.

B. Lack of Sufficient Wildfire Evacuation Corridors

In the 2017 Tubbs wildfire, over 5,300 homes in Sonoma County burned to the ground. Many of those homes were located just a few minutes' drive to the South of the Shiloh Property. The wildfire came without warning in the night, and there were no emergency messages or evacuations. Since that time, local emergency services aim to provide sufficient warning of wildfires, to enable residents to evacuate with their lives, their pets, and some property.

Attachment 3 to this letter contains a map showing the number and locations of wildfires in the area since 2015 which have ravaged our landscape, both physical and emotional. *Our Community Matters* members have evacuated two to three times in the past four years due to wildfires. For example, in 2019, our members and 50,000 Sonoma County residents were ordered to evacuate to escape the Kincadee Wildfire. Evacuating residents caused traffic jams at the corner of Old Redwood Highway and Shiloh Road, which became almost impassable. Highway 101, the primary North-South artery, was at a standstill Southbound, leading away from the fire.

The Tribe's proposal to develop a mega-casino and resort on the Shiloh Property could very well have life threatening consequences for our community members, as there are simply not enough evacuation routes for us let alone the tens of thousands of people the Tribe expects to host on the property. Further, removing the vast majority of the vineyards on the Shiloh Property will increase the fire threat to our community, as vineyards have proven to be a significant fire break.

C. Lack of Hospitality Workers

The Tribe has indicated it plans on hiring 1,100 employees to work the casino and resort. However, there is a shortage of hospitality workers in our area that has reached the critical stage. In fact, a local restaurant just down the street from the Shiloh Property recently announced it will have to close because it cannot find workers to staff it.¹²

The local newspaper, the Press Democrat, reported in a September 1, 2021, article that "[t]hroughout the country, restaurants are facing a critical shortage of workers... Locally, restaurants have even resorted to

¹¹ See <https://www.drought.gov/states/California/county/Sonoma>.

¹² See <https://www.sonomamag.com/this-is-the-new-reality-popular-santa-rosa-creperie-closes-for-lack-of-staff/?gSlide=1>.

closing on certain days, because of the staffing crunch.”¹³ The workforce shortage is due primarily to the “extremely high cost of living and a shortage of affordable, workforce housing” in our area.¹⁴

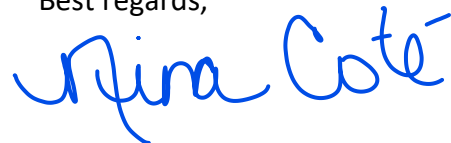
Our Community Matters is concerned about the Tribe’s proposed mega-casino and resort taking employees away from our local businesses, causing more of them to close and further decreasing the unique and diverse aspects of our community.

III. Conclusion

Our Community Matters urges the OIGM to reject the Tribe’s request for a “restored lands” exception to the prohibition of gaming on newly-acquired lands. We believe the Shiloh Property is not the Tribe’s restored lands, and that the Tribe has no actual connection to that land from either a modern or historical perspective. Moreover, we believe that the Tribe’s proposed mega-casino and resort would be simply devastating to our community.

We appreciate your consideration of these issues. Should you have any questions, or would like further information, please let me know.

Best regards,



Nina Cote
Steering Committee Chair
Our Community Matters

cc: Robert Pittman, County Counsel, County of Sonoma – Email only: robert.pittman@sonoma-county.org
Jose Sanchez, City Attorney, Town of Windsor – Email only: jsanchez@meyersnave.com
Jared Huffman, U.S. Representative – Fax only: (202) 225-5163
Michael Thompson, U.S. Representative – Fax only: (202) 225-4335
Gavin Newsom, Governor of the State of California – Fax only: (916) 558-3160
Darryl LaCounte, Director of the Bureau of Indian Affairs, DOI

¹³ See <https://www.northbaybusinessjournal.com/article/news/starks-restaurant-group-in-sonoma-county-hosts-party-and-lottery-to-coax-wo/>; see also <https://www.pressdemocrat.com/article/news/sonoma-county-restaurants-still-struggling-in-2021/>; see also <https://www.pressdemocrat.com/article/business/sonoma-county-hospitality-sector-struggles-to-find-workers-despite-high-job/>; see also <https://www.sonomanews.com/article/news/help-wanted-sonoma-valley-businesses-struggle-to-hire/>.

¹⁴ See <https://www.northbaybiz.com/2021/07/19/labor-shortages-in-a-post-pandemic-world/>.

Attachment 1

Page 1 of 3

This document was electronically submitted to the County of Sonoma for recording

2021100185

Official Records of Sonoma County
Deed Print Proof
#2021100185-0011-00
FIDELITY NATIONAL TITLE | SONOMA TITLE | EN

DEED 3 Pgs

Fee: \$36.00
County Tax: \$13,536.00



RECORDING REQUESTED BY:
Fidelity National Title Company

When Recorded Mail Document
and Tax Statement To:
SONOMA ROSE, LLC

Escrow Order No.: FSNX-7052000481CF
Property Address: 222 E. Shiloh Road,
Santa Rosa, CA 95403
APN/Parcel ID(s): 059-300-003-000

SPACE ABOVE THIS LINE FOR RECORDER'S USE
Exempt from fee per DC 21285.1(a)(2): This document is a transfer that is subject to
Documentary Transfer Tax

GRANT DEED

The undersigned grantor(s) declare(s)

- This transfer is exempt from the documentary transfer tax.
 The documentary transfer tax is \$13,536.00 and is computed on
 the full value of the interest or property conveyed.
 the full value less the liens or encumbrances remaining thereon at the time of sale.
The property is located in an Unincorporated area.

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, Randall C. Clifton and Cynthia A. Clifton, Trustees of The Randall C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

hereby GRANT(S) to SONOMA ROSE, LLC, a California limited liability company

the following described real property is the Unincorporated Area of the County of Sonoma, State of California

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

PROPERTY COMMONLY KNOWN AS: 222 E. Shiloh Road, Santa Rosa, CA 95403

MAIL TAX STATEMENTS AS DIRECTED ABOVE

Grant Deed
ECN000123.ecf Uploaded: 06/26/21

Printed: 06/27/21 @ 10:06 AM
CA-77-10000185-000185-Print-2021100185

GRANT DEED
(continued)

APN/Parcel ID(s): 059-300-003-003

Dated: September 1, 2021

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

The Randal C. Clifton and Cynthia A. Clifton Trust Agreement dated June 30, 2005

BY Randal C. Clifton
Randal C. Clifton, Trustee

BY Cynthia A. Clifton
Cynthia A. Clifton, Trustee

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of San Diego

On September 1, 2021 before me, Carrol Hernandez Notary Public,
(have insert name and title of the officer)

personally appeared Randal C. Clifton and Cynthia A. Clifton
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 059-300-003-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE UNINCORPORATED AREA IN COUNTY OF SONOMA, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

Being a tract of land in Section 20, Township 8 North, Range 6 West, M.D.B. and M. and beginning at a iron pin which marks the 1/4 section corner between Sections 19 and 20, thence East along the Northerly line of the Southwest 1/4 of said Section 20, a distance of 40.00 chains, more or less, to the center of Section 20; thence South, along the Easterly line of said Southwest 1/4, 17.01 chains, more or less, to the Northeast corner of a tract of land conveyed by Eliza C. Mayo to CHARLES T. Mathison and Cynthia E. Mathison, his wife, by Deed dated January 28, 1905 in Book 216 of Deeds at Page 298, Sonoma County Records, thence South 76° 18' West, along the Northerly boundary of said tract of land conveyed to said Mathison, 75.68 chains, more or less, to the center of the State Highway leading from Santa Rosa to Healdsburg; thence Northwest along the center of said State Highway, 26.85 chains, more or less, to the section line between Section 19 and 20; thence North along said section line, 1.62 chains, more or less, to the point of beginning.

Excepting therefrom that portion thereof conveyed to the County of Sonoma by deed recorded April 25, 1950 in Book 955 at Page 376, Sonoma County Records.

Also excepting therefrom that portion conveyed to the County of Sonoma by Deed recorded October 27, 2006 as Instrument No. 2006132266, of Official Records.

Attachment 2

Aerial Photo of the site of the Casino and Resort proposed by the Tribe, located at 222 E. Shiloh Road, Santa Rosa, CA. The Casino and Resort project is outlined in blue; Esposti Park is outlined in green; the pink line shows the boundaries of the Town of Windsor to the North versus unincorporated Sonoma County to the South.

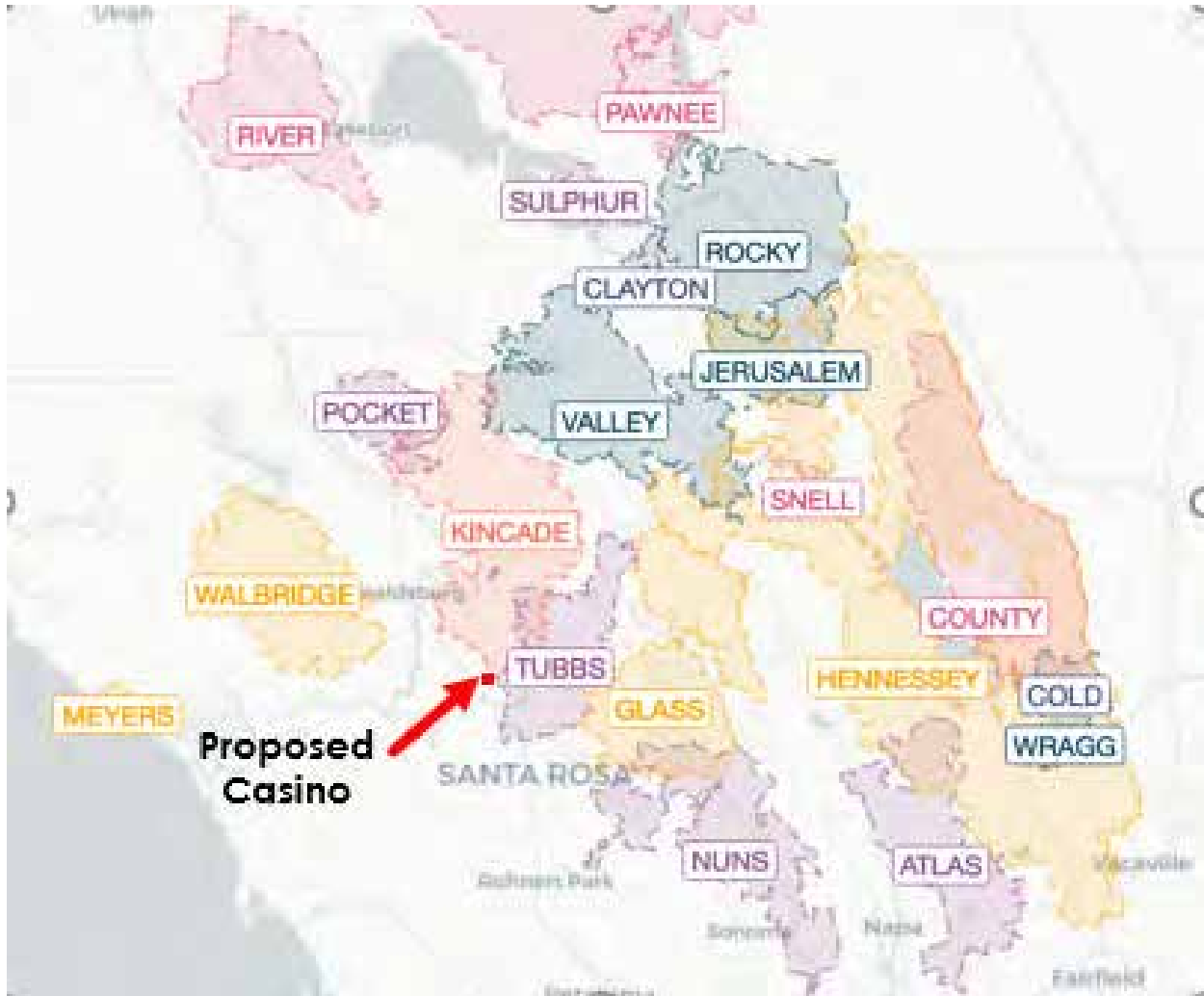
The proposed Casino and Resort is a 1.2 million-square-foot project calling for 2,500 slot and other gaming machines, a 200-room hotel, six restaurant and food service areas, a meeting center and a spa. It is expected to employ approximately 1,100 employees.



Photo obtained from the SoCoNews: https://soconews.org/scn_windsor/news/windsor-officials-clarify-town-not-involved-with-koi-nation-casino/article_0e7adef2-2871-11ec-93c3-536857a5e1cf.html and not verified by Our Community Matters.

Attachment 3

Locations of Recent Wildfires (Since 2015)



Our Community Matters
P.O. Box 1421
Windsor, CA 95492

February 16, 2022

Mayor Sam Salmon
Town of Windsor
9291 Old Redwood Highway Bldg. 400
Windsor, CA 95492

Dear Mayor Salmon:

Thank you for the opportunity to meet with you and Rosa Espinosa recently via Zoom. We were pleased that we were able to review our Power Point Presentation with you and to help clarify the application process through the BIA (Bureau of Indian Affairs). Upon the follow-up dialog, we were left with the impression you do not clearly understand the reasons for our strong opposition to the proposed Casino Resort. While this project is not in the town limits of Windsor, it does border our town. It is directly across the street, within 40 feet, to a Windsor residential neighborhood. Whatever happens at this location will have a direct impact on the Town of Windsor. As your constituents, we want to make the reason of our opposition 100% clear.

Our Community Matters is objecting to the **LOCATION** of the proposed Casino Resort! The top reasons include:

- Press Democrat Article 2/14/22: Drought Relief Hopes Fading
Press Democrat Article 2/15/22: Drought Worst in 1200 Years

Documents show six or seven wells that are currently located at 222 E Shiloh are dry and have been for several years. Think about it! How much water does a 200 room hotel, six restaurants, a casino, spa and conference center need? In a recent news release the plans have now changed to a 400 room hotel. How does that impact the rest of us, particularly those on wells?

Drought worries immediately lead us to wildfire risk!

- Wildfire Risk!

We do not have to guess what will happen. We already know! We have the experience of the Tubbs fire in 2017 in which 22 people perished and the 2019 Kinkaide fire which stopped directly across the street from the proposed casino location. As you know, the original prediction was that the entire Town of Windsor was in path of the fire. The evacuation in both cases resulted in gridlock along Shiloh/Old Redwood Highway, up to and along Highway 101.

WHY would anyone invite potentially 20,000 vehicles or over 50,000 people a day to an area surrounded by residential neighborhoods to a fire prone area, where evacuation gridlock is history? It doesn't make sense. The thought of 50,000 people evacuating, along with all the residential neighborhoods that surround 222 E. Shiloh, is chilling. How many people will die?.

Mayor Salmon, this is **NOT** an opportunity to seek economic expansion at the expense of safety. This is **NOT** an opportunity to negotiate with anyone relating to this property. This is an opportunity for you to take a stand on this matter! 222 E. Shiloh is the **WRONG LOCATION** for a commercial business that draws thousands of visitors and vehicles per day.

We are strongly urging you to place this important/critical matter on the Windsor Town Agenda immediately for discussion.

Sincerely,

A handwritten signature in black ink that reads "Lynn R. Darst". The signature is written in a cursive style with a large, prominent "L" and "D".

Lynn R. Darst, Windsor Resident
Our Community Matters

Cc: Our Community Matters Members

From: Lynda Williams <misslyndalouu@gmail.com>
Sent: Saturday, October 14, 2023 5:56:03 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comments on Letter RE: Koi Nation Shiloh Resort and Casino Project

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

I am writing to comment on the letter on the agenda for approval this Wednesday October 18, 2023, Town Council Meeting commenting on the Environmental Assessment (EA) of the proposed Koi Tribe Vegas Style Casino Resort Hotel.

While I thank you for taking the time to comment on the EA by the deadline, the proposed letter fails to address three critical issues on this matter. The first is Fire and evacuation routes. As you are aware, all evacuation routes out of the Town of Windsor are severely stressed and gridlocked in times of evacuation. As someone who lives directly across the street from this proposed project (less than 40 feet) and who has been evacuated, this issue must be addressed comprehensively in both your letter as well as a new Environmental Impact Statement. This issue risks the lives of residents who are citizens and taxpayers in the Town of Windsor. People like me and my neighbors whom you represent. Please add language addressing this issue.

The second issue is traffic impact, which your letter addresses but fails to tie to the fire and evacuation issue. Specifically, your letter fails to address the proposed traffic light and casino entrance at East Shiloh and Gridley. Gridley is a residential street used by most of the residents of Oak Park (77 homes). Putting a signal here with a casino entrance directly across from Gridley will back up traffic into Oak Park all day and night; it will back up traffic into the Redwood Highway and East Shiloh intersection; this will cause traffic to turn up East Shiloh and speed on Faught Road past San Miguel School; and it will cause traffic to cut through Oak Park to Mathilde backing up traffic at this intersection as well. This will put the life and safety of residents, children on bikes, pets and pedestrians at risk. If intoxicated casino goers become confused when they exit, they could end up roaming the streets of our neighborhood. Additionally, adding 15,000 additional vehicles a day to this area will increase carbon emissions by 25,185,000 metric tons per year (source EPA website). This additional pollution will flow into all our homes.

The third, and most important issue, is that your letter fails to take a stand on the fact that this is the wrong location for this project, for all of the environmental reasons, let alone the fire and evacuation hazard. I would like to see the Town of Windsor take the position that this is the wrong location and recommend that the BIA take plan D, no project and the land is not granted to the Koi. The issue here is not the tribe, it is the location. I personally wish them well and hope they can find an appropriate location for their Vegas Style Casino Hotel. But for the scope of this

EA and this BIA proposal, please support and recommend option D in your letter. Residential neighborhoods are not the place for casinos.

Thank you.

Warmest Regards,

Lynda Williams



Windsor, CA 95492

From: Eddie Flayer <eddie.flayer@att.net>
Sent: Saturday, October 14, 2023 6:12:47 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I don't understand the legal jargon...

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I live in Santa Rosa but I love your town. Such a great job with building a downtown, and parks, green spaces. Why kill a fine rural vineyard neighborhood with ANOTHER gambling hall? Find some land close to Walmart on Shiloh near the freeway. Give it to the Indians and let the buses of hoards shop at Walmart...and smoke and play slot machines and smoke some more. Maybe they will even smoke a peace pipe since they can make lots of money to get paid back for what we did to them.

I would like to see the Town of Windsor oppose the location of this project and urge the BIA to support option D, not to grant the land to the Koi Tribe.

**Thank you,
Eddie Flayer**

From: Maisie McCarty <maisiemccarty@hotmail.com>
Sent: Sunday, October 15, 2023 8:14:02 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Proposal for Casino Hotel, etc

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.


Council Members-

We strongly urge the Town of Windsor to oppose the proposed casino just south and east of our border in its comments to the BIA. It will, if accepted into trust by the BIA become a horrific blight causing traffic, noise and light disturbance to those Town of Windsor occupants living so close to its proposed location. In addition it would cause unlimited problems for those of us forced to evacuate due to fire or other natural disasters. The proposed casino's traffic study does not even take into account the new 300 + units being built at Old Redwood Highway and Shiloh Rd which will already cause increased traffic and parking problems so near to their proposed site.

In addition the Koi Nation's ancestral lands are in Lake County, NOT Sonoma County.

Please direct your comments to the BIA in strong opposition to placing this land into trust for the Koi Nation.

Very truly yours,
Mary M. McCarty
L.W. Harrison


Windsor, CA

Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>

Sent: Sunday, October 15, 2023 10:19:40 AM

To: Town Council <TownCouncil@Townofwindsor.com>

Cc: Jim Gillen <jimgillen@sbcglobal.net>; Suzanne Jean Calloway <suzannecalloway@yahoo.com>; Our Community Matters <ourcommunitymatters2@gmail.com>

Subject: Please Oppose the Koi Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

As an almost 20 year resident of Windsor, I urge the Town Council to take a stronger position in opposition to the proposed Koi casino. Having read the Environmental Assessment, I agree that as your agenda states "... the Town finds that several potentially significant adverse impacts associated with the proposed project are not identified or not adequately mitigated below the threshold of significance".

My family was evacuated during the Tubbs Fire and the Kincade Fire and encountered terrifying traffic jams on the escape routes. This situation would become total gridlock if the casino were to be built to the south of us. The only way to mitigate this potential crisis is to prevent the building of this casino.

The Town Council represents the voices of your constituents and we urge you to take a strong stand to protect the lives of the citizens of Windsor!

James and Virginia Gillen

[REDACTED]

Windsor

From: Mary Ann Bainbridge-Krause <mary_ann_bainbridge_krause@yahoo.com>
Sent: Sunday, October 15, 2023 5:52:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Item number 12.2 town agenda


CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Good Morning Town Council: I'm writing concerning item # 12.2, submittal on the environmental assessment regarding Koi Nation Shiloh Road and Casino project. Even though you very carefully cover reasons why this should not proceed, you never once in your letter state you are against this development.

I'm disappointed. Your concerns are the same as the citizens of Windsor and yet you fail to back us up. Why? I would really like to know.

Very disappointed

MaryAnn Bainbridge-Krause

, a 28 year member of the Windsor community.

Sent from my iPhone

From: Carrie Marvin <[REDACTED]>
Sent: Sunday, October 15, 2023 5:46:10 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: EA letter for KOI Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please make sure in the letter from the Town Council, to include how incredibly dangerous it would be for them to build a large casino and hotel and parking for thousands of cars when we have to evacuate. People living in Windsor could end up like citizens of Lahaina or the Camp Fire - being burned because there is not the ability to evacuate quickly. Both Tubbs fire (getting out of Coffey Park was difficult) and Kincaide Fire had lots of people driving for a very long time to get out (I heard stories of people in Windsor and Sebastopol) This is a very important point that needs to be stressed and to omit that is an issue.

Also, as a citizen of Windsor and of the state of CA, we have suffered for years with a long term drought. I have personally ripped out all my grass - and to think that this group can come in and use our local water for tourists and gamblers - while I shut the water off while I brush my teeth and take timed showers, seems nonsensical to me. Fire and Drought must be addressed in the letter.

Thank you.
Carrie Marvin
[REDACTED]

From: Debra <d_avanche@yahoo.com>
Sent: Sunday, October 15, 2023 5:33:33 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation proposed project at 222 E Shiloh Rd., Santa Rosa

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Windsor Town Council members,

I am writing to request that the Windsor Town Council go on record opposing the gaming project at Old Redwood Highway and E Shiloh Rd. by the Koi Nation and Oklahoma Gaming commission.

This property is just outside the Windsor town boundaries but will heavily impact Windsor residents and businesses. This location is designated rural residential agricultural and is **BORDERED BY** Esposti sports park, the Oak Park subdivision, a church, mobile home park for seniors, residences along E Shiloh Rd., The Sonoma County Regional Park at E. Shiloh Rd and Faught Rd and is close to San Miguel Elementary and Mark West Elementary Schools. It is a travesty that a gaming operation is being floated in the middle of this beautiful community.

The Koi Nation is pursuing sovereign status of this property so gambling and 24/7 hoopla can take place. The Koi Nation is from Lake County and should be pursuing their project in that county.

Windsor will not benefit from needing more housing for low paid workers, and will be harmed by plopping a hugh operation in an area that is wildfire prone. Serious evacuation problems are obvious. We are already experiencing parking and traffic issues with the new apartment complex that is in the works.

I urge the Council to go on record strongly opposing this operation and designate the land as off limits for this type of project. Its appalling and makes no sense. We have enough casinos already in Sonoma County. There is **NOTHING** to be gained. Please help stop this.

Thank you,

Debra Avanche



Santa Rosa, Ca 95403

From: Chris Thuestad <chris2esta@comcast.net>
Sent: Sunday, October 15, 2023 4:03:23 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Nation Casino Proposal

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I just received an email stating that the Town of Windsor is ready to approve the EA Comment Letter to the BIA regarding the Koi Nation's proposed casino. I'm deeply concerned about the casino for many of the same reasons you've already heard. The traffic on Shiloh Road is already problematic. I have had to sit through three turns of the light to try to get past the light near Home Depot. When we had to evacuate during the Kincade fire, my husband was at Home Depot -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! The traffic study submitted by the Koi Nation also didn't take into account all the high-density construction projects that are being built along Shiloh and Old Red. Heading south on Hwy 101 is a nightmare already. We've been told the Graton casino gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south?

I'm also concerned about water usage. We've been told that droughts are going to continue to be more frequent and more severe. We were headed to a real disaster until the rains finally came last rainy season. I've heard that the proposed casino will put in a 700' well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought, there could be problems with ground subsidence. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns every other day, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water? Does the Town of Windsor have a plan for this?

The Koi Nation is a Lake County tribe yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes. How is it fair to the SoCo tribes to have the Koi Nation come in and cannibalize their business?

Finally, the additional traffic, crime, noise, and light pollution will ruin the property values of all Windsor residents, especially those near the casino. No one wants to live by a casino!!

I urge you to oppose the casino, support option D, and not allow the Koi Tribe to destroy the lives of so many people in Sonoma County.

Thank you,
Chris Thuestad

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Sunday, October 15, 2023 11:25:30 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Fwd: EA Comments,Koi Nation Shiloh Resort and Casino

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Sent from my iPad

Begin forwarded message:

From: BELVA MITCHELL <mmitchellbc@aol.com>
Date: October 11, 2023 at 10:42:09 AM PDT
To: chad.broussard@bia.gov
Subject: Re: EA Comments,Koi Nation Shiloh Resort and Casino

Sent from my iPad

On Sep 28, 2023, at 6:39 PM, BELVA MITCHELL <mmitchellbc@aol.com> wrote:

I am strongly opposed to the proposed Casino due to many factors. I live within [REDACTED] of the Shiloh road entrance/ exit as proposed. This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times. This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete. Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality . Finally this is a

residential community not a commercial or business location.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Monday, October 16, 2023 7:22:01 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Windsor Town Council - Safety. - Please oppose!

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option! 50'** from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.

So sad 😞

Tisha Zolnowsky

No Casinos near homes, schools, churches,

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From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, October 16, 2023 11:12 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Tribe request to build casino on East Shiloh Road in Windsor

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I am writing with regard to your upcoming council agenda item regarding a request by the KOI Tribe to build a casino on East Shiloh Road in Windsor.

I live on [REDACTED] and this project would have an immediate and potential disastrous affect on my life. During the recent fires when I had to evacuate my home twice all roads getting out were blocked because of traffic, including Faught Rd., Old Redwood Highway and the 101 freeway. Adding the numbers of cars this project would involve would create a situation that could result in not only property losses but possibly lives, especially for seniors like myself who cannot evacuate easily. Just the increased daily traffic on these country roads will certainly complicate my life immensely.

The noise and parking are also definite concerns for me, especially weekends and evenings. Esposti Park is on the corner of Old Redwood Highway and East Shiloh Park. This is a very well used park during evenings and weekends for many youth athletic leagues with the parking lot full and overflowing onto side streets and neighborhoods. This situation will increase when the huge low income housing unit on the opposite corner is occupied which I fear does not allow enough parking for its projected occupancy. Numerous bike rides commence at this park contributing to traffic and parking issues almost daily during many months of the year.

This is not just a small neighborhood issue. Traffic on and off the freeway, noise, parking, huge increases in water and power usage will affect all Windsor residents.

I urge you to officially oppose this project and recommend the KOI Tribe be denied their request to build a casino at this site.

meredith strom

[REDACTED]
Windsor, CA

From: Joanne Hamilton <jahamil@pacbell.net>
Sent: Monday, October 16, 2023 10:28 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino item 12.2

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The Draft responds does a very good point by point assessment of the EA. However, IMO, I feel it could be strengthened with a strong opening that the Town is against this location for the Koi project. Also, perhaps, a strong close to the same affect.

JoAnn Hamilton

From: Judith Coppedge <judithcoppedge727@gmail.com>
Sent: Monday, October 16, 2023 4:52 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Comment for Proposed Koi Casino Mtg 10-18-23

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Please see the attached documents for your upcoming Town Council Meeting on the Proposed Koi Nation Casino.

October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, [REDACTED] Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

Does a Casino Belong Here?

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--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.

Judith and John Coppedge

FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



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- buildings destroyed—5,640
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- mandatory evacuations; loss of power, water and gas

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- size—77,800 acres
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ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes

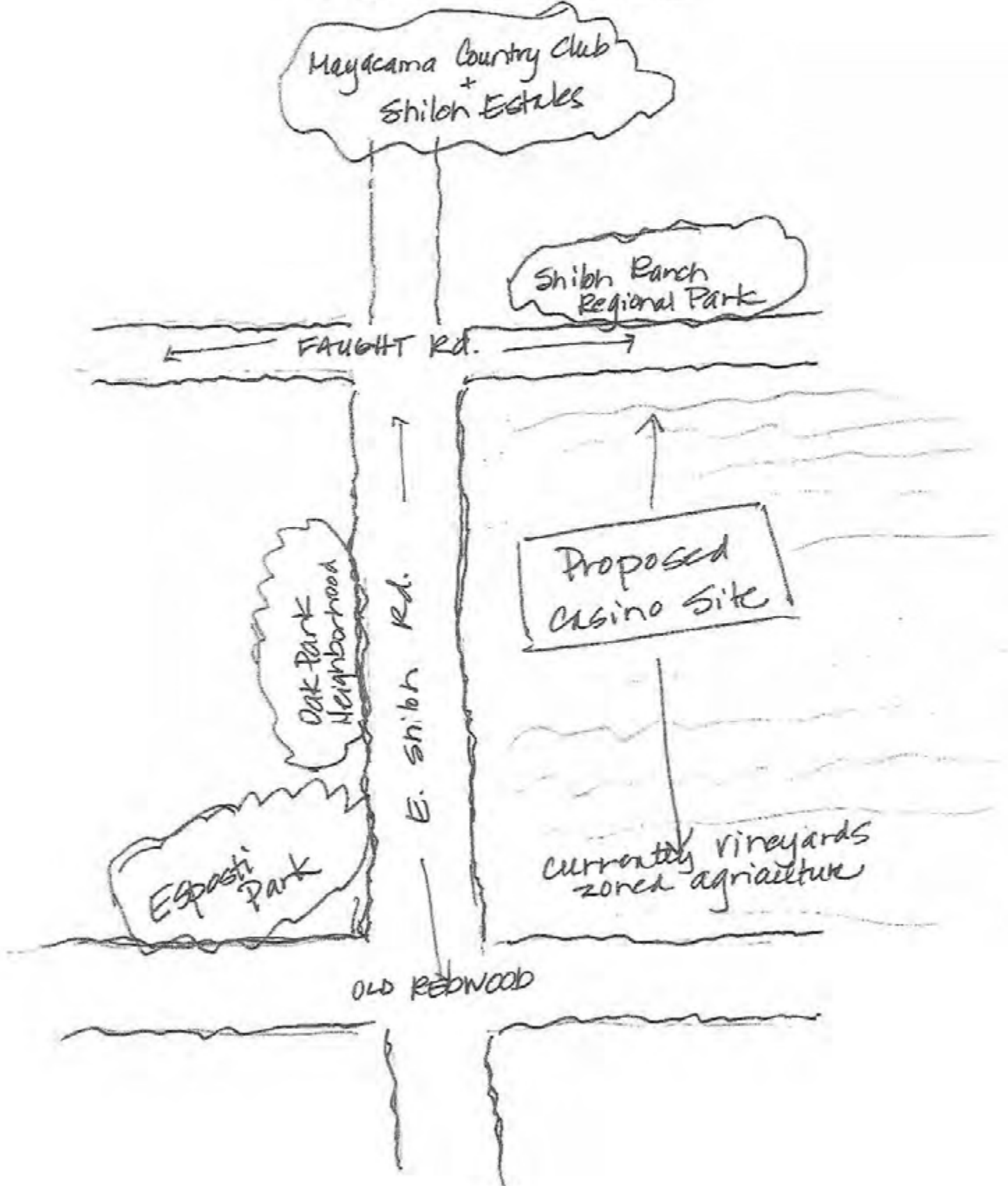


SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site



From: C Plaxco <cplaxco143@gmail.com>
Sent: Monday, October 16, 2023 5:06:49 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: I do not want Shiloh Casino in my residential neighborhood

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on [REDACTED] for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on [REDACTED] I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
[REDACTED]

From: Don Ziskin <donziskinlaw@comcast.net>
Sent: Tuesday, October 17, 2023 8:06 AM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Koi Casino Environmental Statement

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Honorable Town of Windsor Council Members,

Thank you for the opportunity to comment on the letter from the City of Windsor to Amy Dutschke with the Bureau of Indian Affairs concerning the Environmental Statement. My (and my neighbors) chief concern is the impact the Koi Casino Resort will have during the next evacuation as well as on day-to-day life.

1. Transportation and Circulation/ Fire/Evacuation

My family and I are 31 years residents of [REDACTED], the development directly across the street from the proposed hotel/casino complex. We have been through the Tubbs and Kincaid fires and experienced gridlock during evacuations.

There is no information in the Environmental Statement referencing the results of the traffic study done over two wet, cold days in January 2022, nor was there any information concerning the basis for the estimated 11,213 to 15,579 trips a day to and from the casino. While their traffic study does acknowledge that the casino will cause a loss of services (LOS) they utilize a common phrase throughout the report. "Mitigation would reduce impacts to a less than significant level". Changing lane striping and signal phasing is not going to alleviate the LOS. There is no information in the TIS on how signal installation will impact traffic. Conclusory statements at the end of the Transportation and Circulation section simply state that "mitigation would reduce impacts". Further detailed analysis incorporating actual conditions is needed.

There is no substantive information on what their plan is or how their plan would impact the community in the event of an evacuation from fire or earthquake. The only time evacuation is mentioned is at the very end in Appendix N which calls for the Koi to coordinate with emergency evacuation and traffic experts to develop a project-specific evacuation plan. Nowhere in the bullet points do they reference the single lane exit routes or the other surrounding community members trying to evacuate. There is no substantive information on what their plan is or how their plan would impact the community.

How will 5,000+ vehicles leaving the casino at one time during an emergency impact resident in Oak Park and east of the casino Shiloh entrance trying to evacuate?

How will morning and evening commutes be impacted by people traveling to and from the casino?

How will traffic signals at Gridley and Shiloh casino entrance impact traffic congestion on East Shiloh?

How will Casino and residential evacuation impact responding emergency services?

2. Other Casinos in Residential Communities

In response to scoping concerns over casinos in residential areas, the Environmental Statement references three casinos in California that are in residential communities; however, there are significant differences between the Yaamava, Pechanga and San Pablo casinos in the ES and the proposed Koi Casino Resort.

None have housing as close to the casino as does the Koi Casino. All have material differences in ingress and egress. None share a common entry/exit with private residences.

Pechanga is separated from homes by a four-lane parkway and a nature trail. The casino is over ¼ mile from residences. It was built on historical lands belonging to the Pechanga tribe for over 10,000 years in Temecula.

Yaamava casino, like the Pechanga Casino is built on the San Miguel Band of Indians historical land in San Bernardino. It was designed so that the casino entry way faced an unoccupied hillside on their reservation lands. The homes in the area all face the unlit, backside of the casino and are separated by open space and a service road. Driveways and roadways entering and exiting the casino are removed from any residential areas.

Like Pechanga and Yaamava, San Pablo casino does not share a common entrance with any residential community. Like Yaamava, homes around San Pablo Casino only face the backside of the casino area and residences are separated by trees and a creek. Also, the general area is mostly industrial and retail.

The Koi Casino Shiloh entrance will share a common intersection with the residents of Oak Park. Homes will be located on the corner of the intersection of Gridley and the East Shiloh entrance.

3. Acorn Environmental Statement

The neutrality of the report prepared by Acorn should be challenged . Their website identifies Tribal Fee to Trust Applications as one of their specialties. Acorn Environmental provides environmental studies for Native American Indian tribes. Acorn Environmental has a vested interest in minimizing environmental impact for their clients. Their ES utilizes numerous technical standards and regulations but fails to provide factual or substantive information of the impact the casino will actually have on the environment and community. The concerns raised in the scoping questions and

addressed by Acorn were determined to be insignificant after evaluation. Examples of common conclusions are:

Groundwater- cumulative impacts to groundwater would be less than significant.

Carbon Monoxide Hot Spot Analysis - Cumulative impacts to CO levels resulting from Alternative A would be less than significant.

Transportation and Circulation. - Thus, mitigation would reduce cumulative impacts to a less-than-significant level.

Compensating someone with money over the loss of well water is not insignificant or an adequate remedy.

Lastly, while I appreciate the City of Windsor's thorough analysis of multiple topics in the comment letter, I feel it is important that the city take a stronger position concerning the project. There is no question that this project will materially change every aspect of this community. In lieu of suggesting "an alternative project be investigated; it is important to address the four alternatives in the ES. It is critical that alternatives A, B and C be rejected and that alternative D - No Action be adopted. This is not about the who, it is about the what! It will change from a residential, recreational community to a 24 hour a day commercial center.

Because the Environmental Assessment report is lacking any substantive detailed information on how the proposed casino project would impact the environment and local residents is imperative that a more detailed Environmental Impact Study be done unless Alternative D is adopted.

Thank you,

Donald Ziskin

[REDACTED]

Windsor, CA 95492

phone [REDACTED]

From: betsy mallace [REDACTED]
Sent: Tuesday, October 17, 2023 7:16:07 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: public comments on Koi EA #12.2

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Thank you for the opportunity to give feedback on your very detailed comment letter to the BIA regarding the on the Koi Casino Project's EA.

I have found, in my personal experience, that comment letters to the BIA have to be very direct. I think most of the comments should be strengthened by specifically calling out every instance of significant adverse impact. Please consider the following suggestions to be added to the letter.

It should be stated clearly that the town only supports option D. Options A, B, and C could/would all create a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACTS** to the town of Windsor. If they move forward with Option A, B, or C then the EA (as written) is incomplete/insufficient and an EIS must be required.

For the items you have stated are "inadequate", "unrealistic", "not-approve", "not-indicated" (missing), "not demonstrated", "could potential jeopardize", need "analysis", "inaccurate", "assume", "overstates", "misleading", "does not recognize", "not addressed" you need to clearly state that the EA as written has and/or could have a **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor. They have not proven that there is **not** significant impact to the Town of Windsor.

Where you have listed "objections", you again need to clearly state that this is or could be **SIGNIFICANT ADVERSE IMPACT** to the Town of Windsor.

Where any cost, fee, fund or improvement that will and/or could be assigned to the town of Windsor, it will create a **SIGNIFICANT ADVERSE IMPACT** to the town of Windsor.

I am surprised that you barely mentioned evacuation issues, but where you have stated that evacuation times will increase you must also clearly state this is a **SIGNIFICANT UN-MITIGATABLE ADVERSE IMPACT** to the town of Windsor (and the entire community). Will any Windsor zones "safe route" be impacted by the proposed project? If so, please have this added to the comment letter.

Also, removing a natural fire break and replacing it with combustibles creates an **UN-MITIGATABLE SIGNIFICANT ADVERSE IMPACT** to the town of Windsor (and the entire community).

I hope you will consider my suggestions (bolding is mine, for emphasis only). Would you please remove all my contact information on this email, before you publish it?

Many thanks for your consideration,

Betsy Mallace

From: sandra george <bailey011@att.net>
Sent: Tuesday, October 17, 2023 8:00:31 PM
To: Town Council <TownCouncil@Townofwindsor.com>
Subject: Proposed Koi Nation Shiloh Resort and Casino

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 17, 2023

Dear Honorable Mayor Reynoza, Vice Chair Salmon, Council members Wall, Fudge, And Potter,

We live across the street from the proposed casino, on Shiloh Road. We write to you to urge you at the extremist level. In your letter to the BIA, to OPPOSE the LOCATION of the proposed Koi Nation Shiloh Resort and Casino. To URGE the BIA to support option D, and not grant the land to the KOI Tribe.

In addition to all of your points of opposition in your letter. The proposed location is BORDERED ON 3 SIDES BY RESIDENTIAL HOUSING! In checking with our relator, we were advised that our property value would drop \$200,000 if a Casino is built on the proposed site. This would lead to loss of home values that could be in the Hundreds of millions of dollars. This would not only be a loss to each homeowner. But reduce property taxes to the Cities and County.

Every Town, City, County, and State official that spoke to the proposed site, were in opposition.

The only support is by the Carpenters Union, who are looking at a short term gain in work, while the rest of the community suffers long term losses.

Dave and Sandra George



October 16,2023

TO: Town of Windsor, Town Council (for mtg 10/18)

Fr: J Coppedge, Shiloh Vista, Santa Rosa, CA 95403

Re: Proposed Koi Nation Casino

To Council Members,

After having read the pertinent documents related to the proposed Koi Nation Casino, there are a number of key issues that are missing from the Environmental Assessment, which must be strongly stated and prioritized to the BIA. They include:

- 1) **Ensure a full Environment Impact Study is conducted and a comprehensive Environment Impact Statement be prepared.**
- 2) **Ensure a non-tribal, non-gaming Environmental Organization be utilized to provide a full scope Environmental Assessment as a peer review to Acorn Environmental.** Acorn Environmental was utilized in the completion of the Environmental Assessment. Acorn specializes in tribal governments, fee to trust land, gaming and other closely related tribal and gaming issues.
- 3) **The existing Environmental Assessment completely ignores the number one issue with the location of the proposed Casino. FIRE, FIRE, FIRE, LOSS OF LIFE.** (pls see attached photos for an understanding of what the past number of years of FIRE have brought to this area).
- 4) **Recommend the BIA select Option "D" (no project alternative) and do not grant the fee to trust conversion.**

The proposed location for a Casino is inappropriate and dangerous in many ways.

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--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

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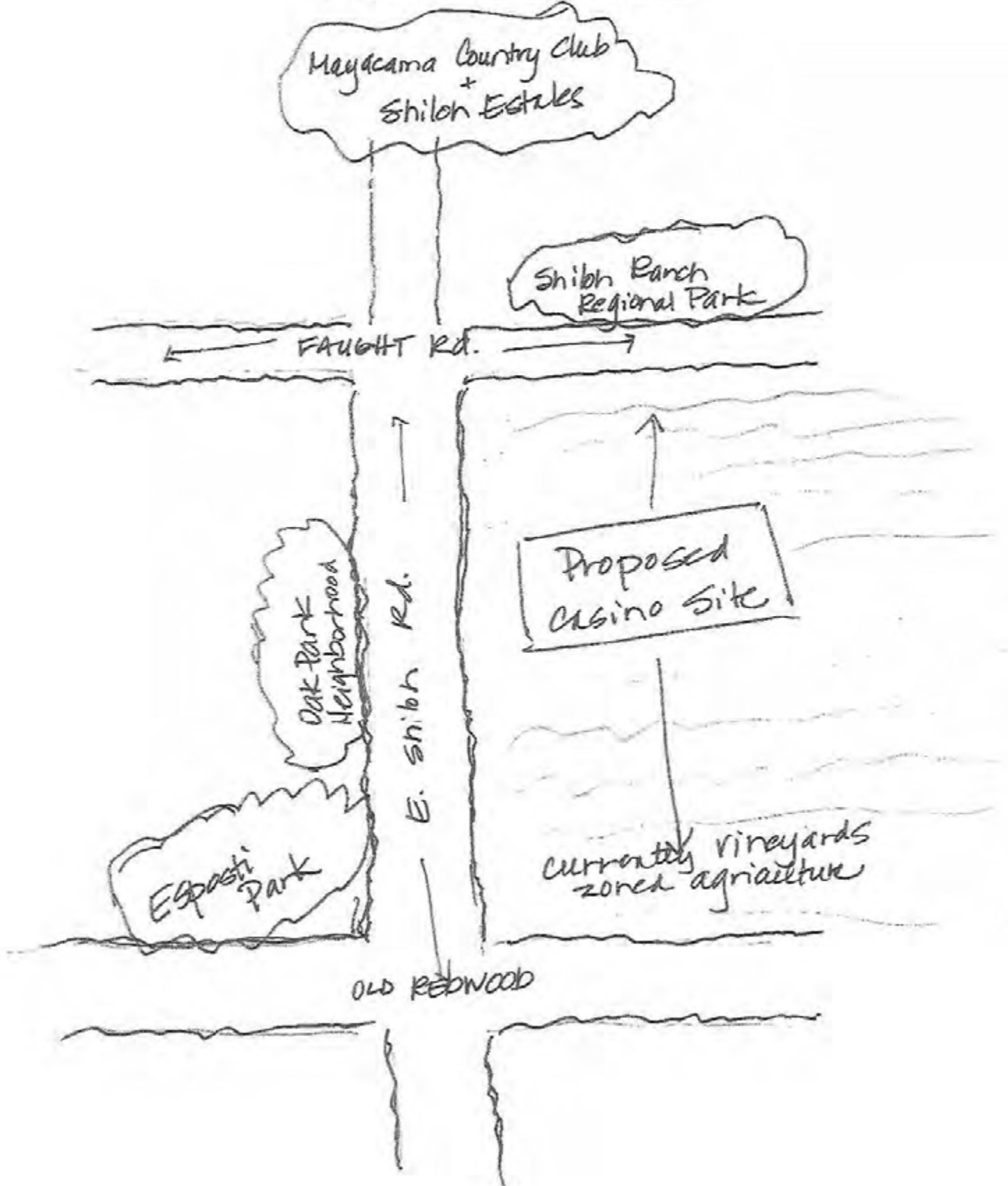


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- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



Proposed Casino Site





Town of Windsor
CALIFORNIA

Town of Windsor
9291 Old Redwood Hwy
P.O. Box 100
Windsor, CA 95492

Mayor
Rosa Reynoza

Vice Mayor, District 4
Tanya Potter

Councilmember District 1
Mike Wall

Councilmember District 3
Debora Fudge

Councilmember District 2
Sam Salmon

Town Manager
Jon Davis

April 7, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Rm. W-2820
Sacramento, CA 95825

Chad Broussard (via email)
Environment Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

PACIFIC REGIONAL OFFICE
BUREAU OF INDIAN AFFAIRS
2024 APR 11 AM 10:57

SUBJECT: Koi Nation Shiloh Resort and Casino Project - Town of Windsor
Comments on Scoping of Environmental Impact Statement

Dear Ms. Dutschke and Mr. Broussard:

The Town of Windsor appreciates the opportunity to provide comments to the Bureau of Indian Affairs (BIA) on the preparation of an Environmental Impact Statement (EIS) for the proposed Koi Nation Shiloh Resort and Casino Project. As stated in the Town's previous letter dated November 13, 2023, providing comments on the Environmental Assessment (EA) for this project (attached), the Town found the EA to be inadequate, particularly in failing to identify significant environmental impacts and in proposing mitigations that would not bring impacts below the threshold of significance.

The preparation of an EIS is necessary to thoroughly evaluate the environmental impacts of the proposed casino resort project. Based on the Town's review of the EA, the Town strongly recommends that the EIS provide a comprehensive analysis that includes but is not limited to the following major resource areas and issues:

Water Resources

- Groundwater impacts, including well interference and water quality effects
- Stormwater drainage capacity and flooding risks, particularly resulting from changes to storm flow in Pruitt Creek to the east and west of Highway 101
- Recycled water use, storage needs, and permitting

Transportation & Circulation

- Traffic congestion and roadway/intersection capacity impacts
- Establishing the responsible party, financing, and the timing for widening Shiloh Road and improving the Shiloh Road/Old Redwood Highway intersection and Shiloh Road/Highway 101 interchange

- Emergency evacuation route capacity and evacuation modeling, specifically analyzing evacuations of the communities off of Gridley Drive and Mathilde Drive, Merner Drive, Tamara Way, and larger Town-wide and regional evacuation events.
- Pedestrian, bicycle, and public transit accessibility, including consistency with the Town's Complete Streets Guidelines, the Old Redwood Highway Corridor Enhancement Plan, and the Shiloh Road Village Vision Plan

Land Use and Planning

- The Shiloh Road Village Vision Plan (SRVVP) had been adopted for the lands west of the project site.
- The grid street network of the SRVVP and the anticipated east-west connections must be considered.
- The density and intensity of the Town's comprehensive planning documents anticipated the continued agricultural use of the project site.

Public Services & Utilities

- Increased demands on police, fire, parks, and public infrastructure
- Solid waste generation and landfill capacity

Air Quality & Greenhouse Gas Emissions

- Construction and operational air emissions, including health risk impacts
- Determination of threshold of significance for cancer risk for hazardous air pollutants based on future traffic volumes along Shiloh Road and Old Redwood Highway, not existing traffic volumes.
- Vehicle miles traveled (VMT) and greenhouse gas emissions

The list of resource areas and issues above is not exhaustive. The EIS must consider each of the concerns detailed in the Town's EA comment letter, dated November 13, 2023, as well as the public comments attached thereto. The Town is also in agreement with the issues and concerns raised in the EA comment letter submitted by the Sonoma County Counsel on behalf of the County of Sonoma, dated November 13, 2023. The Town strongly recommends that the issues and concerns outlined in the Sonoma County Counsel's letter be considered and analyzed in the EIS.

Sonoma County Counsel's letter also mentions that the EA inadequately considered impacts to other tribes. The Town shares these concerns not only regarding the continued economic viability of tribes with gaming facilities but also regarding fairness to all tribes with homeland in the area. In 2019, U.S. Senate Bill S.1790 was signed into law and includes provisions for taking approximately 511 acres of tribal land into trust as part of the reservation of the Lytton Rancheria of California. S.1790 also stipulates that no gaming shall be conducted on any lands taken into trust on behalf of the Tribe in Sonoma County

in perpetuity. The proposed Shiloh Resort and Casino project is located less than three miles from the established homeland of the Lytton Rancheria of California tribe.

The EIS should clearly identify impacts and provide appropriate, enforceable mitigation measures, including fair-share contributions to improvements necessitated by the project. The EIS analysis should also consider the timing of proposed mitigations, since the full magnitude of impacts will exist at the start of the project's operation. The conclusions in the EA regarding less-than-significant impacts in many of these areas were inaccurate or not adequately supported by evidence. The Town expects the EIS analysis to use up-to-date data, local policies/plans, reasonable assumptions, and technical best practices.

Importantly, the EIS must include a thorough evaluation of an alternative project location. One of the major concerns with the currently proposed location is its proximity to existing low-intensity residential neighborhoods in Windsor. An alternative location further removed from residential areas should be analyzed in the EIS. The proposed casino resort of this size and operational capacity would be incompatible with, and detrimental to, the quiet residential character of the surrounding neighborhoods at the current site. Potential land use conflicts and impacts to quality of life for residents should be avoided by considering an alternative site location that provides an appropriate separation from residential neighborhoods and pedestrian/bicycle-scale development. In addition to being more compatible with surrounding uses, an alternative location may reduce impacts related to traffic congestion, infrastructure demands, emergency evacuation routes, and other environmental issues of concern identified in the Town's previous EA comments. At this time, the Town is unable to identify an appropriate location in or around Windsor that would be suitable in this regard.

With the information and analysis currently available, the Town finds that only the no project alternative guarantees that no significant adverse impacts will occur. Beyond the proposed project and alternative location, the EIS must include the no project alternative in its analysis. Additionally, the Town recommends the EIS evaluate any other potentially feasible alternatives that could reduce the intensity and scale of the project to minimize environmental impacts and impacts to community character.

If you have questions or require additional information, please contact me: Patrick Streeter, Community Development Director, at pstreeter@townofwindsor.com or at (707) 838-5313.

Sincerely,



Patrick N. Streeter, AICP
Community Development Director

cc: Jon Davis, Windsor Town Manager;
Windsor Town Council

Transmitted Electronically: Town of Windsor Comments on Koi Nation Shiloh
Resort and Casino Project EA, dated November 13, 2023

Tribes



S-T1

AUGUSTINE BAND OF CAHUILLA INDIANS

84-001 AVENUE 54 COACHELLA, CA 92236 | T: 760-398-4722 F: 760-369-7161

TRIBAL CHAIRPERSON: AMANDA AUGUSTINE TRIBAL VICE-PERSON: VICTORIA MARTIN

TRIBAL TREASURER: WILLIAM VANCE TRIBAL SECRETARY: GERAMY MARTIN TRIBAL COUNCIL MEMBER: RONNIE VANCE

ATTN: Bryan Newland, Assistant Secretary - Indian Affairs
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good-paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and the dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,

A handwritten signature in blue ink that reads "Victoria Martin".

Victoria Martin, Tribal Vice-Chairwoman
Augustine Band of Cahuilla Indians



From: Lynn Laub <LynnL@drycreekrancheria.com>
Sent: Monday, October 2, 2023 2:56 PM
To: Dutschke, Amy <Amy.Dutschke@bia.gov>
Cc: Chris Wright <ChrisW@drycreekrancheria.com>; michelle@thecirclelaw.com
Subject: [EXTERNAL] Request for 60-day extension of Public Comment Period - Koi Nation EA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Director Dutschke,

Please see the request letter from Chairman Wright for a 60-day extension of the comment period on Koi Nation's EA.

Lynn Laub
Executive Assistant to the Board of Directors
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441
Direct Tel: 707-814-4166
Cell: 707-495-5427
LynnL@drycreekrancheria.com



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

October 2, 2023

VIA Email: Amy.Dutschke@bia.gov
Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

**Re: Koi Nation's Proposed Casino Project – Request for Sixty (60) Day Extension
of Public Comment Period**

Dear Director Dutschke,

On behalf of the Dry Creek Rancheria Band of Pomo Indians, California (“Dry Creek”), I am writing to request a sixty (60) day extension to the public comment period ending October 27, 2023, in regard to Shiloh Resort and Casino Project (“Project”) Environmental Assessment submitted by the Koi Nation of Northern California (“Koi” or “Tribe”). We are concerned that constructing a casino within a densely populated urban area will have profound implications for the environment, the surrounding cities, and the local economy. While the Environmental Assessment provides substantial information, it is also very complex. It is important that an extension is granted to ensure that Dry Creek has time to research and adequately assess all of the information in the documents to provide meaningful feedback.

As stated above, the Environmental Assessment for the Project has substantial data, technical reports, appendices, and sections. The sheer volume of this information makes it very time-consuming for the Dry Creek leadership to review comprehensively. The original comment period end date of October 27, 2023, does not provide enough time for us to gather necessary information, or conduct additional research, about the environmental impacts of this Project. It is imperative that an extension is granted to ensure that all relevant information can be collected, especially with a project that will have such a significant impact on the aboriginal territories.

The Environmental Assessment involves a wide range of disciplines, including ecology, hydrology, geology, economic impacts, and more. Individuals with expertise in these areas will need extra time to evaluate the project's potential impacts thoroughly. These individuals may also have questions that arise while conducting their evaluations in which they would need to seek advice from other experts. Not all research can be conducted in short periods of time due to the unavailability of information, document locations, or inability to connect with other experts.

The local community will also need to be given adequate notice of the implications the project could have on the environment and public. Not all of the public, or surrounding areas, may be aware that this project is being proposed, in which community engagement is very important.

Mailing Address: P.O BOX 607, Geyserville, CA 95441
Tribal Office Address: 1450 Airport Boulevard, Suite 200, Santa Rosa, CA 95403

Meaningful public participation requires coordination and consultation which can be time consuming. However, an extension would provide more opportunity for the public to become involved, ensuring that all voices are heard.

Given these complexities and the importance of ensuring an extensive public review process, again, I kindly request an extension of sixty (60) days beyond the original deadline. This extension would allow Dry Creek as well as concerned individuals, community groups, and experts to provide more informed and comprehensive feedback on the Environmental Assessment. We understand the importance of adhering to project timelines, but we believe that granting this extension will ultimately lead to a more informed and equitable decision-making process. I hope you will consider this request seriously and make the necessary arrangements to extend the comment period accordingly.

Please do not hesitate to contact me at (707) 814-4150 or cwright@drycreekrancheria.com should you have any questions about this letter or Dry Creek's request for consultation.

Respectfully,


Chris Wright
Tribal Chairman

From: Andy Mejia <andymejia@lyttonrancheriaofcalifornia.com>
Sent: Thursday, November 9, 2023 4:03 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Larry Stidham <larry@stidhamlaw.biz>; Dutschke, Amy <Amy.Dutschke@bia.gov>
Subject: [EXTERNAL] Lytton Rancheria of California - Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

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Good Afternoon Mr. Chad Broussard,

Attached to this email you will find the comments on the Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project from Lytton Rancheria. If you have any question or comments, please feel free to contact me at your convenience.

Thank You,
Andy Mejia, Chairperson
Lytton Rancheria of California
437 Aviation Blvd.
Santa Rosa, CA 95403
P (707) 575-5917 F (707) 575-6974

2 Attachments • Scanned by Gmail



LYTTON RANCHERIA • Lytton Band of Pomo Indians



437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

Re: Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke,

The Lytton Rancheria of California, also known as the Lytton Band of Pomo Indians (“Lytton”), is a federally recognized Indian Tribe with a reservation located in Sonoma County, California. Lytton is on record opposing the Koi Nation’s application to the United States Department of Interior to acquire 68 acres of land in trust for a casino on the Project Site. The Project Site is near the Town of Windsor in Sonoma County, California, approximately 50 miles from the Koi Nation’s homeland in Lake County, and well outside the Koi Nation’s ancestral territory. Lytton submits these comments because, in addition to opposing the Proposed Project on the grounds that the Project Site is not within the Koi Nation’s ancestral territory, Lytton has concerns regarding potential effects of the Proposed Project on local Tribes and the surrounding community, and believes that the Environmental Assessment (“EA”) released by the Bureau of Indian Affairs (“BIA”) in September 2023, is inadequate to address those concerns.

Many of the findings in the EA are contingent on implementation of certain “Protective Measures and Best Management Practices” (“BMPs”), which are described in part as “voluntary measures” that would be implemented “where applicable.” EA at 2-12 and 2-13. Many of these BMPs appear uncertain and likely unenforceable, including (for example) BMPs designed to reduce emissions, prevent discharge of hazardous materials and pollutants, reduce the risk of fire ignition and address fire hazards. Other BMPs depend on reports, plans, recommendations and the like that have not yet been conducted or do not yet exist. Further, certain of the mitigation measures themselves rely on agreements not yet entered or future acts and decisions by other parties. Finally, there is no enforcement mechanism to ensure the Koi Nation’s compliance with these mitigation measures or BMP’s because the Koi Nation does not provide any limited waivers of sovereign immunity, and we are not aware of any promises or steps the BIA is taking to enforce these practices if the Koi Nation fails to follow through.

Because the findings of the EA itself are based on the assumption that the Koi Nation will fully comply with the BMPs and mitigation measures, the EA may drastically underestimate the impacts the Proposed Project will have if the Koi Nation cannot or does not fully comply. Lytton is therefore concerned that many of the EA’s conclusions of less-than-significant impact are not reliable.

Lytton's primary concern is the impact of the Proposed Project on a wildfire evacuation. The EA's conclusions on this point rely on assumed future actions not only of the Koi Nation, but of other parties including the Town of Windsor, Sonoma County, and CalTrans, which are highly speculative. These concerns are discussed further below, followed by a brief discussion of some of the additional findings that Lytton believes to be inadequate or questionable as presented in the EA. Lytton urges the BIA to proceed with preparation of a full Environmental Impact Statement (EIS) in order to address these shortcomings and to allow for careful, complete consideration of the likely impacts of the Proposed Project to the surrounding Tribes and communities.

Wildfire and Traffic Concerns

One of the major concerns raised by surrounding communities, and acknowledged in the EA, is the increased traffic congestion likely to result from implementation of the Proposed Project. Indeed, the EA determines that traffic related impacts would be significant, but that the proposed mitigation measures would reduce those impacts to a less-than-significant level. EA at 3-71. Lytton finds this conclusion quite problematic because the referenced mitigation measures rely on the actions of third-parties, which cannot be predicted or enforced.

Specifically, Section 4 of the EA states the Koi Nation is to make "good faith efforts to assist with implementation" of certain off-site roadway improvements, which are presented as mitigation measures that "shall be implemented to reduce traffic impacts[.]" EA at 4-9. At the same time, however, the EA acknowledges that "the timing for the off-site roadway improvements is not within the jurisdiction or ability to control of the Tribe." *Id.* Instead, these measures and improvements are largely under the control of the Town of Windsor and Sonoma County. These include the conversion from split phasing to protected phasing at the Shiloh Road and Old Redwood Highway intersection, the restriping of various approaches and off ramps, the signaling of intersections and the optimization of splits and cycle lengths for intersections. EA at 4-9. They also include the widening of Shiloh Road to four lanes at certain sections, as well as the restriping of multiple approaches, additional conversions to protected phasing, signaling of additional intersections and optimized timing of those signals. EA at 4-9. Even if the Koi Nation made every effort to comply with these mitigation measures, their implementation is dependent on outside parties and largely outside of the Tribe's control. There is also no way to enforce the Koi Nation's compliance with these mitigation measures. Lytton therefore considers the conclusion of the EA that traffic related impacts of the Proposed Project will be less-than-significant to be inappropriate and unwarranted because it is contingent on these mitigation measures that are admittedly "not within the jurisdiction or ability to control of the Tribe."

These traffic related impacts are particularly alarming in the context of a potential wildfire evacuation. Sonoma County considers most of the Project Site to be at "high" risk of wildfires, with some areas to the northeast and southeast designated "very high." EA at 3-109, 3-111. The EA points out there have been 14 wildland fires in Sonoma County since 1964 that have burned over 300 acres, with two recent fires from 2017 and 2019 combining to burn over 114,000 acres and burning within 0.3 miles of the project site. EA at 3-109.

The EA acknowledges that the proposed casino “would attract additional patrons and increase the total number of persons onsite during operation that may need to be evacuated during a wildfire event[.]” and that “[a]n increase in vehicles on emergency evacuation routes during a wildfire could worsen traffic congestion and adversely affect evacuation timelines or access for emergency responders, which would increase the risk of loss, injury, or death involving wildland fires.” EA at 3-117. The EA further acknowledges that “analysis of a future evacuation event is inherently speculative.” *Id.* Nevertheless, the EA concludes that “[w]ith implementation of the mitigation measures included in Section 4, Alternative A would not significantly inhibit local emergency response to or evacuation from wildfire or conflict with a local wildfire management plan.” EA at 3-118.

This conclusion relies in substantial part on estimates presented in Appendix N-2 finding that evacuation time for the Town of Windsor would be approximately 4-6 hours, while evacuation time for the casino itself would be an additional 2.5 hours, assuming conditions similar to the 2019 Kincade Fire. This would create a total evacuation period for both sites of 6-8 hours. EA at 3-118. Although these estimates may be conservative in that they assume maximum occupancy of the casino and parking structure, Appendix N-2 also assumes implementation of certain traffic mitigation measures beyond the Koi Nation’s control, specifically the expansion of Shiloh Road. Appendix N-2, at 2.

In the event that the Koi Nation and local governments do not implement the EA’s BMPs and mitigation measures, the time for evacuation of Windsor and the project site could be much longer than the 6-8 hours that the EA currently assumes. As time goes on, it will become more dangerous if the improvements and measures required by the EA, which the Koi Nation does not have the ability to control, such as widening Shiloh Road, are not implemented.

However, the most gaping flaw in the estimate contained in Appendix N-2, is that it fails to take into account the Lytton Rancheria’s new housing project. The Lytton Rancheria after decades of being dispossessed, has finally established a homeland for its members which will consist of 146 homes with at least 300 people. Tribal members will begin moving in to these homes in January of 2024. The estimated evacuation time completely overlooks the impact or additional delay Lytton’s housing project will have on the Town of Windsor. In the event of evacuation, the residents of the housing project will be among those forced to flee across Windsor and travel south on Route 101. They will be directly impacted and threatened by the delay the Koi Nation’s Proposed Project will impose. These impacts, which are not seriously considered in the EA, could result in injury to or loss of human life.

The EA itself states:

“[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area. This includes, but is not limited to, building in a high-risk fire zone without project design measures to reduce inherent wildfire risk, increasing fuel loads, exacerbating the steepness of the local topography, introducing uses that would increase the chance of igniting fires, eliminating fire barriers, inhibiting local emergency response to or evacuation routes from wildfires, and conflicting with a local wildfire management plan.”

EA at 3-114. It is surprising that a delay of 2.5 hours to wildfire evacuation routes is not found to be significant. Beyond that, the EA inappropriately relies on speculative and unenforceable “mitigation measures” for this conclusion and fails to provide analysis or an estimate for the evacuation time in the very possible or even likely scenario that the proposed traffic mitigation measures are not fully implemented. The EA also glaringly fails to consider the impact the Lytton homeland will have on the Town of Windsor’s evacuation and the threat facing Tribal members whose evacuations will be slowed. Finally, the delay, however long it may actually be, has not been properly analyzed in terms of weighing the economic benefit to the Koi Nation against the loss of life and economic damage incurred by the delay. The tradeoffs of such a calculation should be identified and discussed. For these reasons Lytton believes the EA is incomplete and an EIS is necessary.

Groundwater

Lytton is also concerned that the EA’s analysis of potential effects on groundwater in the surrounding area is incomplete and inconclusive. In its assessment of Alternative A, the EA states that project wells would be drilled to a depth of approximately 700 feet bgs and would draw from depths of approximately 400 to 600 feet bgs, which “is not expected to impact nearby off-site wells drilled to a depth of less than 380 feet bgs.” EA at 3-19. This conclusion appears to rest on an assumption that impervious clay layers exist on the Project Site that separate the shallow aquifer zones from the deeper zones. However, the EA states that “[s]ite specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site and to ensure that there would be no significant impacts to surrounding wells, including the Esposti Park irrigation and standby potable wells.” EA at 3-19. With respect to Alternatives B and C, the EA similarly states that “Further site-specific data is needed to ensure that there would be no significant impacts to off-site wells.” EA at 3-22.

In short, the EA apparently could not and does not determine whether impacts to surrounding wells are likely to be significant. Further, the proposed mitigation measures neither require the Koi Nation to make that determination prior to project approval, nor would they do anything to prevent a significant impact if the EA’s untested assumptions are wrong. Instead, the proposed mitigation measures consist of a monitoring program, to be implemented by the Koi Nation “as soon as feasible after project approval and at least one year before opening of the project facilities to the public to allow for baseline monitoring[,]” followed by partial reimbursement by the Koi Nation for replacement, rehabilitation, or deepening costs incurred by owners of wells that become unusable within five years of the onset of project pumping, *provided* those well owners meet certain requirements and burdens of proof. EA at 4-1, 4-2. Neither the assessment nor the mitigation measures offer surrounding well owners any assurance that that they will not experience a failure of or other significant impacts to the wells they rely on for potable water.

Cultural and Paleontological Resources

The EA states that “[t]he presence of Pruitt Creek within the Project Site, presence of scattered obsidian, and results of Native American consultation conducted to date indicate there is a potential for significant subsurface cultural resources to be buried beneath the Project Site with no surface manifestation.” EA at 3-56. The EA also states that a Koi Tribal Monitor was present during excavation of four test pits within the Area of Potential Effects, and that any potential significant impacts will be reduced or eliminated by mitigation measures to include monitoring of grading activities. EA at 3-55, 4-7. Lytton reiterates that the Koi Nation is not indigenous to Sonoma County, but is rather a Southeastern Pomo Tribe indigenous to Lake County. It is imperative that any and all assessments of cultural or archaeological effects of the Proposed Project occur with input and guidance from local Southern and Southwestern Pomo Tribes actually indigenous to Sonoma County with ancestral territory in the vicinity of the Project Site.

Conclusion

We appreciate the opportunity to provide comment to the BIA, and would like to emphasize our concerns that allowing a Tribe from Lake County to establish this Proposed Project will impinge on the Tribal sovereignty of Sonoma County Tribes as well as dramatically increase the risk of injury and death in the event of a wildfire. We reiterate our call for an Environmental Impact Statement to be completed and for proper analysis of these risks and others to be conducted.

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California



LYTTON RANCHERIA • Lytton Band of Pomo Indians



437 Aviation Blvd • Santa Rosa, California 95403

(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820, Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

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Conclusion

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Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California

From: Patterson, Kerry <Kerry.Patterson@procopio.com>
Sent: Friday, November 10, 2023 2:33 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: 'Erica M. Pinto - Jamul Indian Village (epinto@jiv-nsn.gov)' <epinto@jiv-nsn.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

Attached please find the Jamul Indian Village comment letter in support of the Koi Nation Environmental Assessment. Please let me know if you have any questions about this submission. Thank you!

Best Regards,
Kerry Patterson

KERRY PATTERSON
PARTNER
PROCOPIO

P. 619.515.3295 | F. 619.788.5505 | kerry.patterson@procopio.com
525 B STREET, SUITE 2200, SAN DIEGO, CA 92101
8355 EAST HARTFORD DRIVE, SUITE 202, SCOTTSDALE, AZ 85255
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Fri Nov 10 2023 14:33:17

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November 10, 2023

VIA EMAIL (chad.broussard@bia.gov) AND CERTIFIED MAIL

Amy Dutschke
Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard
Environmental Protection Specialist
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke,

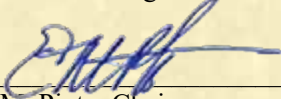
On behalf of the Jamul Indian Village of California (“JIV”), we write in support of Koi Nation’s trust land acquisition/restoration efforts in Sonoma County, California. JIV understands Koi Nation’s need to establish a home territory in order to further its self-determination, economic development and cultural preservation.

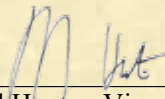
JIV is cognizant of the lengthy federal process for trust acquisitions, and continues to support Koi Nation’s proposed casino project and the benefits that the project will provide to Koi Nation and those that it serves. JIV understands Koi Nation’s need to restore its ancestral lands, as such restoration is critical for all tribes who were once landless or have had their territory diminished. Koi Nation experienced a long period of being treated as a terminated tribe, which cost the Nation decades of lost opportunities. The Bureau of Indian Affairs should partially rectify this tragic history and acquire land into trust for Koi Nation.

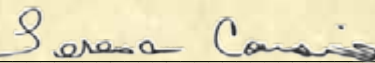
JIV understands that fiscal impacts from Koi Nation’s casino project will be minimal, as its casino operation is expected to generate ~\$35 million in combined federal, state, and local taxes annually. Koi Nation’s additional contributions to the local economy in terms of salaries, benefits, payroll taxes and vendor payments will also benefit the surrounding area. Approval of Koi Nation’s land acquisition and restoration secures those positive economic impacts that tribal gaming will have on the Koi Nation, and on local and state communities.

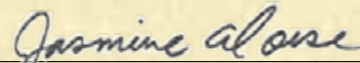
Respectfully,

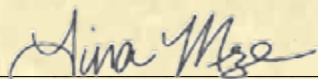
Jamul Indian Village of California Tribal Council

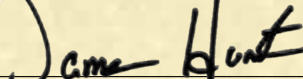

Erica M. Pinto, Chairwoman

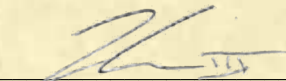

Michael Hunter, Vice Chairman


Teresa Cousins, Treasurer


Jasmine Aloese, Secretary


Tina Meza, Councilwoman


James Hunter, Councilman


James Cuero III, Councilman



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619.669.4785
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P. O. Box 612
Jamul, CA 91935

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November 10, 2023

VIA EMAIL (chad.broussard@bia.gov) AND CERTIFIED MAIL

Amy Dutschke
Regional Director
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Chad Broussard
Environmental Protection Specialist
Pacific Regional Office
Bureau of Indian Affairs
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke,

On behalf of the Jamul Indian Village of California ("JIV"), we write in support of Koi Nation's trust land acquisition/restoration efforts in Sonoma County, California. JIV understands Koi Nation's need to establish a home territory in order to further its self-determination, economic development and cultural preservation.

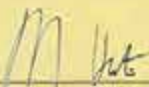
JIV is cognizant of the lengthy federal process for trust acquisitions, and continues to support Koi Nation's proposed casino project and the benefits that the project will provide to Koi Nation and those that it serves. JIV understands Koi Nation's need to restore its ancestral lands, as such restoration is critical for all tribes who were once landless or have had their territory diminished. Koi Nation experienced a long period of being treated as a terminated tribe, which cost the Nation decades of lost opportunities. The Bureau of Indian Affairs should partially rectify this tragic history and acquire land into trust for Koi Nation.


JIV understands that fiscal impacts from Koi Nation's casino project will be minimal, as its casino operation is expected to generate ~\$35 million in combined federal, state, and local taxes annually. Koi Nation's additional contributions to the local economy in terms of salaries, benefits, payroll taxes and vendor payments will also benefit the surrounding area. Approval of Koi Nation's land acquisition and restoration secures those positive economic impacts that tribal gaming will have on the Koi Nation, and on local and state communities.

Respectfully,

Jamul Indian Village of California Tribal Council



Erica M. Pinto, Chairwoman


Michael Hunter, Vice Chairman


Teresa Cousins, Treasurer


Jasmine Aloese, Secretary


Tina Meza, Councilwoman


James Hunter, Councilman


James Cuero III, Councilman



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From: Vickey Macias <VMacias@cloverdalerancheria.com>
Sent: Sunday, November 12, 2023 5:14 PM
To: Dutschke, Amy <Amy.Dutschke@bia.gov>; Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Christina Kazhe <ckazhe@kazhelaw.com>; redtailhawk1056@aol.com <redtailhawk1056@aol.com>
Subject: [EXTERNAL] Comments KOI Nation Environmental Assessment

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please find attached the Cloverdale Rancheria of Pomo Indians of California comments on the Environmental Assessment for the KOI Nation Shiloh Resort and Casino Project. Hard copy will follow in the mail.

On behalf of the Cloverdale Rancheria Tribal Council

Vickey Macias

Cloverdale Rancheria Tribal Treasurer

One attachment • Scanned by Gmail



Cloverdale Rancheria

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November 12, 2023

Amy Dutschke, Regional Director
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Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: Comments on Environmental Assessment for the Koi Nation Shiloh Resort and Casino Project

Dear Ms. Dutschke and Mr. Broussard,

The Cloverdale Rancheria of Pomo Indians of California ("Cloverdale Rancheria") is a federally-recognized Indian tribe with a reservation located in Sonoma County, California. Cloverdale Rancheria submits these comments in response to the Environmental Assessment published for the Koi Nation of Northern California ("Koi Nation") Shiloh Resort and Casino Project because, in addition to the fact that the Project Site is not within the Koi Nation's ancestral territory, the Environmental Assessment lacks sufficient analysis and consideration for the effects of the Proposed Project on the surrounding community and local Tribes.

Insufficient Considerations

The analysis provided in the Environmental Assessment hinges on several factors, including the implementation of certain Best Management Practices ("BMPs") and mitigation and protective measures, that are unjustifiably assumed. First, as the Environmental Assessment itself explains, certain assumptions are simply "voluntary measures" and are only incorporated into contracts "[w]here applicable." EA at 2-12. Second, certain assumptions are sufficiently uncertain to be unenforceable, which, coupled with the lack of any limited waiver of sovereign immunity, render these measures as merely suggestions, which are far from the level of protection necessary to utilize as an assumption. Finally, certain assumptions rely on the action or inaction of third parties, which cannot reasonably be assumed.

Notably, the Environmental Assessment itself acknowledges that the action or inaction of third parties cannot be controlled by Koi Nation. For example, with regard to off-site roadway improvements, the Environmental Assessment explains that such off-site roadway improvements

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Tribal Representative



Cloverdale Rancheria

are “not within the jurisdiction or ability to control of the Tribe.” However, rather than following the safer rationale and assuming that third parties will not necessarily follow the proposals, the Environmental Assessment assumes third parties will take such action, or refrain from such action, as necessary to best suit Koi Nation.

These assumptions on the action or inaction of third parties extends to the assumed inaction of Cloverdale Rancheria. As the Environmental Assessment explains, “[i]n 2016, the Bureau of Indian Affairs approved 62 acres of land be set aside for the [Cloverdale Rancheria’s] reservation” and “Cloverdale Rancheria then developed a plan to build a \$320 million casino with 2,000 slot machines and 45 table games, a 244-key hotel, spa, 1,300-seat entertainment center, and convention center.” Appendix B, at 64. In addition, the Environmental Assessment acknowledges that the Cloverdale Rancheria’s “development is still not fully understood.” *Id.* In spite of the Environmental Assessment’s acknowledgement that the “development is...not fully understood,” the Environmental Assessment nevertheless concludes that Cloverdale Rancheria’s “casino was not assumed to open within the forecast period,” without any explanation. *Id.*

In addition to the fact that the assumption is unjustified, Cloverdale Rancheria objects to assumptions that attempt to restrict the rights of Cloverdale Rancheria. Cloverdale Rancheria has undertaken great efforts to obtain the right to move forward with the casino. Any assumptions made by the Environmental Assessment should be limited to not infringe on any right of third parties, including Cloverdale Rancheria. As such, the Environmental Assessment should have assumed that Cloverdale Rancheria was taking any and all actions necessary to further development of the casino, which would maintain Cloverdale Rancheria’s rights, whether or not such rights are exercised. As the Environmental Assessment acknowledges, if the Cloverdale Rancheria “development[] move[s] forward, there would be material impact to the overall market size and competitive effects projections outlined in this report.” Appendix B, at 69. Therefore, Cloverdale Rancheria urges the BIA to proceed with preparation of a full Environmental Impact Statement in order to address these insufficient considerations and the material impact which, by the Environmental Assessment’s own acknowledgment, would necessarily result from corrections to these insufficient considerations.

Wildfire and Traffic

Consideration of insufficient criteria is a central factor in the Environmental Assessment’s failure to adequately assess the increased traffic congestion’s impact on wildfire safety. Sonoma County considers most of the Project Site to be at “high” risk, with nearby areas being considered “very high” and “extreme.” EA at 3-109, 3-111. Given the substantial risk of wildfires, an increase

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in traffic congestion, which would limit the ability to safely evacuate in the case of a wildfire, should be given considerable weight.

The Environmental Assessment estimates the evacuation period for Town of Windsor to be “in the range of four to six hours.” Appendix N-2, at 4. The Environmental Assessment then estimates the evacuation period for the casino alone to be “about two and one-half hours” or, if combined with the Town of Windsor, “six to eight hours.” *Id.* There are two main issues with these estimates that the Environmental Assessment claims to be “less than significant.” *Id.*

First, the Environmental Assessment categorizes the estimates as separate evacuation times to be combined without discussion, failing to appropriately recognize the combined estimate for what it truly is – an estimated *increase* in evacuation time. Utilization of a percentage is better suited to explain the significance of an increase. While “two and one-half hours” may not appear significant on its own, the Environmental Assessment fails to justify how an approximately 41.66% to 62.5% increase in evacuation time is considered “less than significant,” especially where such an increase may result in substantial injury to or loss of human life.

Second, as explained above, these estimates are contingent on certain assumptions that are (i) voluntary, (ii) unenforceable, and (iii) relies on actions or inaction of third parties as necessary to best suit Koi Nation. The Environmental Assessment itself acknowledges that certain “intersections would operate at an unacceptable LOS due to the addition of traffic from Alternative A, which is considered a significant impact” and it is only the implementation of these unjustifiable assumptions that “would reduce impacts to a less-than-significant level.” EA at 3-71.

Conclusion

We appreciate the opportunity to provide comments to the BIA, and would like to emphasize our call for an Environmental Impact Statement to be completed, which would rectify unwarranted assumptions and provide a proper analysis for the risks associated with the Project. Thank you for hearing our concerns and considering our requests.

Sincerely,

Patricia Hermosillo
Tribal Chairperson

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November 12, 2023

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Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

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Sincerely,

Patricia Hermosillo
Tribal Chairperson

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From: Bethany Sullivan <bsullivan@jmandmplaw.com>
Sent: Monday, November 13, 2023 3:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Greg Sarris <GSarris@gratonrancheria.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hello Chad,

On behalf of my client, the Federated Indians of Graton Rancheria, I submit the attached comments on the Koi EA. Please let us know if you have any questions.

Best,
Bethany

Bethany C. Sullivan, Partner
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November 13, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Graton Rancheria Comments on the Koi Casino Environmental Assessment

Dear Ms. Dutschke and Mr. Broussard,

On behalf of the Federated Indians of Graton Rancheria (FIGR or the Tribe), I submit these comments on the draft Environmental Assessment (EA) for the Koi Casino (Project), published by the Bureau of Indian Affairs (BIA) on September 12, 2023. As we have voiced several times, we are extremely concerned with the Project due to both the serious environmental impacts and the irreparable impacts to our tribal sovereignty.

As a reminder, the Tribe is comprised of Southern Pomo and Coast Miwok people. Our aboriginal territory includes Sonoma County, in addition to Marin County, and our reservation is located just outside the City of Rohnert Park, in Sonoma County. Many of our ancestors and irreplaceable cultural resources are located here in Sonoma County. Moreover, a large number of our 1,500 Tribal Citizens reside in Sonoma County. In fact, many FIGR Citizens (at our last count, 89) live in the vicinity of the Project.¹ The FIGR government office and the Graton Resort and Casino are an approximately 18-minute drive from the Project site.

¹ 89 FIGR Citizens live in the zip code of the project location (95403) and the two nearest zip codes (95492 and 95439).

This Project raises substantial concerns with regards to cultural resources, wildfire, public safety, water usage, transportation, and more. Up until now, BIA has understood the depth of these impacts and has subjected similarly situated tribal gaming projects to the rigor of a full Environmental Impact Statement (EIS). The impacts here will be real, and significant, to both the Tribe and our individual Tribal Citizens. Moreover, this bald attempt by a Lake County tribe to claim a historical right to the ancestral territory of our tribe and other Sonoma County tribes strikes at the very heart of our tribal sovereignty. It is with this perspective that we present the following comments.

I. Overview and Guiding Authority

I would like to begin by noting that on September 28, 2023, we requested a 60-day extension to review the draft EA and provide our written comments. While I appreciate the 15-day extension granted by BIA, more time is necessary for the public to fully digest and meaningfully comment on the 217-page EA² and the over 1300 pages of accompanying appendices. With the time we were granted, we could not address every issue area in the EA.

The goal of the National Environmental Policy Act (NEPA) is to ensure that agencies engage in informed decision-making before approving federal actions that may have significant environmental impacts.³ A critical aspect of informed decision making is notifying the public of the proposed action, sharing the relevant data and studies, and providing a meaningful opportunity for public comment.⁴ Public comment allows the agency to better understand the nature and severity of impacts, i.e., the “significance” of impacts, which in turn informs the agency’s decision whether to prepare a full Environmental Impact Statement (EIS). We fear that in this case, due to the compressed comment period, the BIA lacks important information needed to properly evaluate significance.

Nonetheless, and as discussed in detail below, the information that *is* available clearly demonstrates that the foreseeable impacts of this Project are highly significant and span across

² In fact, the current NEPA regulations require that an EA not exceed 75 pages unless a senior official has approved otherwise. The draft EA is nearly three times that length and as such, requires additional time to consider. *See* 40 C.F.R. § 1501.5(f).

³ *See* 42 U.S.C. § 4332(c); *see also South Fork Band Council of Western Shoshone v. Dep’t of Interior*, 588 F.3d 718, 725 (9th Cir. 2009) (“An adequate EIS is essential to informed agency decision-making and informed public participation, without which the environmental objectives of NEPA cannot be achieved.”); *Am. Rivers v. Fed. Energy Regul. Comm’n*, 895 F.3d 32, 49 (D.C. Cir. 2018) (“NEPA’s primary function is information-forcing, compelling federal agencies to take a hard and honest look at the environmental consequences of their decisions.”) (internal citations and quotations omitted).

⁴ *See, e.g., Dep’t of Transp. v. Public Citizen*, 541 U.S. 752, 768 (2004) (explaining the “informational role” that NEPA plays in assuring the public that the agency “has indeed considered environmental concerns in its decisionmaking process,” as well as, “perhaps more significantly, providing a springboard for public comment in the agency decisionmaking process itself”) (internal citations and quotations omitted); *see also* 40 C.F.R. § 1501.5 (e) (requiring agencies to involve the public, state, tribal, and local governments to the extent practicable when preparing EAs).

multiple domains. The NEPA statute is clear that the BIA must issue an EIS for any proposed action that has a “reasonably foreseeable significant effect on the quality of the human environment.”⁵ The significance of impacts need not be determined with absolute certainty. As the Ninth Circuit has explained, “an EIS must be prepared if ‘substantial questions are raised as to whether a project ... may cause significant degradation of some human environmental factor.’”⁶ The volume and nature of negative public comment may be indicative of the degree to which “substantial questions” have been raised regarding the effects of the proposed action and whether serious doubts have been cast upon “the reasonableness of the agency’s conclusions.”⁷ To the extent that public commenters have “urged that the EA’s analysis was incomplete, and the mitigation uncertain, they cast substantial doubt on the adequacy of the [agency’s] methodology and data.”⁸ Here, major questions exist regarding the many environmental and human impacts of the Project as well as the adequacy of the EA’s analysis of those impacts.

The EA relies heavily on cursory references to mitigation measures in concluding that significant impacts can be avoided. While mitigation measures can be utilized to reduce a particular impact to less-than-significant levels, federal courts have emphasized that such measures must be detailed and evaluated for efficacy. An agency’s “perfunctory description of mitigating measures is inconsistent with the ‘hard look’ it is required to render under NEPA.”⁹ Rather, an “*essential component* of a reasonably complete mitigation discussion is an assessment of whether the proposed mitigation measures can be *effective*.”¹⁰ Indeed, the Ninth Circuit has expressly warned that “a mitigation discussion without at least *some* evaluation of effectiveness is *useless* in making th[e] determination” of whether anticipated environmental impacts can be avoided.¹¹ Furthermore, an agency may not take a wait-and-see approach with mitigation, even if certain data is unknown at the time of conducting the EA, because “NEPA requires that a hard look be taken, if possible, *before* the environmentally harmful actions are put into effect.”¹²

⁵ 42 U.S.C. § 4336.

⁶ See, e.g., *Blue Mountains Biodiversity Project v. Blackwood*, 161 F.3d 1208, 1212 (9th Cir. 1998) (internal citation omitted). Similarly, the D.C. Circuit has long held that if “*any* significant environmental impacts might result from the proposed agency action, then an EIS must be prepared *before* the action is taken.” *Am. Bird Conserv., Inc. v. F.C.C.*, 516 F.3d 1027, 1034 (D.C. Cir. 2008) (per curiam) (quoting *Sierra Club v. Peterson*, 717 F.2d 1409, 1412-13 (D.C. Cir. 1983)).

⁷ *Nat’l Parks Conserv. Assoc’n v. Babbitt*, 241 F.3d 722, 736 (9th Cir. 2001) (internal quotations and citations omitted).

⁸ *Id.*

⁹ *Neighbors of Cuddy Mountain v. U.S. Forest Service*, 137 F. 3d 1372, 1380 (9th Cir. 1998).

¹⁰ *South Fork Band*, 588 F.3d at 727 (emphasis added); see also *Neighbors of Cuddy Mountain*, 137 F. 3d at 1381-82 (rejecting an EIS as incomplete because, among other flaws, the Forest Service had not “provided an estimate of how effective the mitigation measures would be if adopted”); *Am. Wild Horse Pres. Campaign v. Perdue*, 873 F.3d 914, 930-31 (D.C. Cir. 2017) (explaining that courts must ensure that the agency, in deciding not to prepare an EIS, “has shown that even if there is an impact of true significance, an [EIS] is unnecessary because changes and safeguards in the project sufficiently reduce the impact to a minimum.”) (internal quotations omitted).

¹¹ *South Fork Band*, 588 F.3d at 727 (first emphasis in original, second emphasis added).

¹² *Id.* (holding that the agency’s limited understanding of the site’s hydrologic features did not relieve the agency of its responsibility to assess whether mitigation measures could be effective in avoiding impacts to groundwater).

Ultimately, if the BIA were to issue a Finding of No Significant Impact (FONSI), rather than proceed with an EIS, it must demonstrate that it “has taken a ‘hard look’ at the consequences of its actions, ‘based [its decision] on a consideration of the relevant factors,’ and provided a ‘convincing statement of reasons to explain why a project’s impacts are insignificant.’”¹³ In other words, a decision *not* to prepare an EIS “will be considered unreasonable if the agency fails to supply a convincing statement of reasons why potential effects are insignificant.”¹⁴ It is important to always keep in mind both the underlying policy and the real-life stakes. As the Ninth Circuit declared, while quoting the U.S. Supreme Court, “NEPA emphasizes the importance of coherent and comprehensive up-front environmental analysis to ensure informed decision making to the end that ‘the agency will not act on incomplete information, only to regret its decision after it is too late to correct.’”¹⁵

As detailed below—and in the comments raised by numerous individuals, organizations, and government entities during the June 2022 scoping process and the September 27, 2023, virtual public hearing—there are substantial questions regarding the impacts to cultural resources, wildfire evacuation, public safety, water usage, and more. A substantial dispute exists as to whether the evidence, or lack thereof, actually supports the EA’s findings of no significant impact. Furthermore, the mitigation measures offered by the EA are vague, incomplete, and unconvincing. They provide no reasonable assurances that significant impacts will be addressed in a realistic and proportionate matter. Nor are there critical enforcement mechanisms in place to ensure that the Project proponent will keep to its mitigation commitments once the Project is approved. For these reasons, the contemplated mitigation measures do not meaningfully reduce the significance of the likely impacts and are not an adequate replacement for a comprehensive EIS. We urge the BIA not to issue a FONSI based on incomplete information, only to regret its decision after it is too late to correct.

II. A Decision Not to Prepare an EIS is Wholly Inconsistent with BIA Practice

For all the reasons described above and detailed in Section III, the BIA should proceed with preparing an EIS. Furthermore, as a threshold matter, failing to prepare an EIS would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent’s preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet. (EA Sec. 2.1.2). There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising

¹³ *Nat’l Parks*, 241 F.3d at 730 (internal citations omitted).

¹⁴ *Blue Mountains*, 161 F.3d at 1211 (internal quotation omitted); *see also Am. Wild Horse*, 873 F.3d at 930-31 (holding that an agency’s decision not to prepare an EIS was improper because it “failed to make a convincing case for its finding of no significant impact”) (internal quotation omitted).

¹⁵ *Blue Mountains*, 161 F.3d at 1216 (quoting *Marsh v. Ore. Nat. Res. Council*, 490 U.S. 360, 371 (1989)).

268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces—comprising 1,689,380 square feet. (EA Sec. 2.1.2). Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station. (EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C). The total square footage of ground disturbance will exceed 2.4 million square feet.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.” (Scoping Report at 26). Yet it is clear that a project of this scale will have a significant impact on the quality of the human environment. In fact, BIA’s practice has long been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this nature.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe’s acquisition of land for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land in order to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.¹⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.¹⁷

Similarly, in 2019, BIA issued a final EIS for the Tule River Indian Tribe’s relocation of its casino—a project involving less acreage, less casino square footage, and a smaller hotel than the Koi Project. Specifically, the Tule River project involved the trust acquisition of 40 acres of land for a 104,637 square foot Class III gaming facility with a casino, food and beverage facilities, events center, conference center, parking and 250-room hotel.¹⁸ The 40-acre site was located next to the municipal airport and had consisted of mixed-use, dominated by agricultural uses, prior to the approval of the project.¹⁹

Two other recent examples include the BIA’s preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria

¹⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

¹⁷ *Id.* at 2-1.

¹⁸ BIA, Final Environmental Impact Statement, Tule River Indian Tribe Fee-to-Trust and Eagle Mountain Casino Relocation Project (Apr. 2019).

¹⁹ *Id.* at 2-1.

project involved the construction of a 608,756 square foot Class III gaming facility (similar in size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).²⁰ In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.²¹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Of course, an EA may be appropriate for certain tribal casino projects. For example, the BIA prepared an EA for the Agua Caliente Cathedral City Casino. That project, however, was a fraction of the size of the Koi Project, with only 13 acres of land being acquired in trust for purposes of constructing a small casino (500 gaming devices), parking lot, tribal office space and other ancillary facilities, totaling 125,000 square feet of development.²² Importantly, the site had already been developed, including utility connections, and the proposed use was consistent with local land use zoning and in furtherance of the Agua Caliente's shared goal with the local municipal entities to redevelop the parcel as part of a larger downtown revitalization project.²³ We also wish to note that the parcel was adjacent to the Agua Caliente's existing reservation, greatly minimizing any potential impacts on the sovereign rights of other tribes.²⁴

Here, on the other hand, the Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is much more like the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Further, the Koi Project is akin to the Nottawaseppi Huron Band of Potawatomi Indians' proposed casino project, for which the D.C. District Court held in an unreported case that the BIA's preparation of an EA was insufficient.²⁵ That project concerned the acquisition in trust of 79 acres to construct a 200,000 square foot facility, 1,200 to 1,400 slot machines, 60 gaming

²⁰ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

²¹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013)

²² BIA, Draft Environmental Assessment / Tribal Environmental Impact Report, Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at 6–7 (Oct. 2018) (hereinafter 2018 Agua Caliente Draft EA); see also BIA, Final Environmental Assessment / Tribal Environmental Impact Report, Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at (July 2019).

²³ 2018 Agua Caliente Draft EA at 2, 4, 8, 10, 39–40; see also Tara Sweeny, Assistant Secretary – Indian Affairs, Finding of No Significant Impact for the Agua Caliente Band of Cahuilla Indians Cathedral City Fee-to-Trust Casino Project at 3 (Oct. 7, 2019).

²⁴ 2018 Agua Caliente Draft EA at 2.

²⁵ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), aff'd sub nom. *Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

tables, and a 3,100-spot parking lot motor vehicles.²⁶ Similar to the Koi Project, the Huron casino site was active farmland.²⁷ The District Court stated that it appeared such a project would entail “a multitude of significant direct impacts,” and remanded the EA’s findings to the contrary back to BIA. Similarly, relying solely on an EA to evaluate the current Project is inappropriate because, as detailed in our comments and those of other members of the public, this Project will have a multitude of significant, direct impacts. It would be arbitrary and capricious for the BIA to conclude otherwise and forego its standard practice of preparing a full EIS for this type of casino project.

III. Comments on Specific Draft EA Sections

We now offer targeted feedback on various impact areas discussed in the draft EA to highlight where the EA’s analysis is insufficient under NEPA and there remains a substantial question as to whether impacts will be significant. Given the lack of adequate review time, we focus on the areas with which we have the greatest concern.

a. Alternatives

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible, and meet the purpose and need for the proposed action.”²⁸ While the EA acknowledges that the Koi Nation’s aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County. (*See* EA at 1-2).²⁹ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites” but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that the Koi Nation could even purchase property in those unspecified alternate locations. (Scoping Report at 13). The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi Nation’s aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public. (Scoping Report at 8, 12).

²⁶ *Id.* at 1, 7.

²⁷ *Id.* at 6.

²⁸ 40 C.F.R. § 1508.1(z); *see also* EA at 2-25.

²⁹ We wish to note that the historical background in EA Section 1.3 makes a number of unsupported assertions, including but not limited to the assertion that “the Koi tribal leadership and Koi community relocated [from Lake County] to Sonoma County.” The EA provides no citation for this and other characterizations of Koi history aimed at buttressing Koi’s claims under the Indian Gaming Regulatory Act that it has a “significant historical connection” to Sonoma County.

Dismissing alternative sites due to technical or economic feasibility is not supported by the record. It is not “highly speculative” to claim that Lake County is a viable location for a casino capable of funding tribal government, as four tribal casinos are currently in operation there.³⁰ While competition from the other casinos may affect the amount of revenue the project could expect, the same assumption can be made for the proposed Project as there are two other tribal casinos in Sonoma County, as well as nearby casinos in Mendocino County.³¹ Further, a brief internet search reveals that the median property value in Lake County is substantially lower than in Sonoma County, making investment in Lake County more affordable.³² Moreover, there are currently available sites in Lake County that are well situated for tourism and large-scale development.³³ Without providing any market data, it is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic or technical feasibility.

Neither is elimination of a project site in Lake County reasonable due to regulatory feasibility. The Indian Gaming Regulatory Act requires the Koi Nation to demonstrate a “significant historical connection” to a site for it to be eligible for gaming.³⁴ Certainly, a project site in Koi Nation’s aboriginal territory is no less regulatorily feasible than the proposed Project site outside Windsor. In fact, as we have repeatedly raised, the Koi Nation cannot demonstrate a “significant historical connection” to the Project site, specifically, or Sonoma County, generally, and we will be submitting a separate filing with the Department addressing these specious historical claims. To summarize, Koi Nation is a Southeastern Pomo tribe aboriginally from Lake County, whereas Sonoma County is the aboriginal territory of Southern Pomo and Southwestern Pomo (also known as Kashaya) speaking tribes. Nonetheless, the Koi Nation claims it has a significant historical connection to Sonoma County based on the relocation of certain Koi families from Clear Lake to the Sonoma County area in the 1900s, as well as the use of seasonal trade routes through Sonoma County.³⁵ The Department has already determined that

³⁰ See California’s Clean Air Project, County List of Casino, <https://www.etr.org/ccap/tribal-casinos-in-california/county-list-of-casinos/> (last visited Nov. 7, 2023).

³¹ *Id.*

³² See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

³³ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

³⁴ The Koi Nation must demonstrate it has a “significant historical connection” to the Property in order for the Property to qualify as “restored lands” pursuant to 25 C.F.R. § 292.11(b). “Significant historical connection” means “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty,” or—as relevant here—by “historical documentation [of] the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” 25 C.F.R. § 292.2.

³⁵ See Koi Nation of Northern California, September 13, 2021 Request for Restored Lands Opinion, March 2023 Supplemental Restored Land Request, and July 2023 Second Supplemental Restored Land Request, and accompanying exhibits, available at <https://www.koinationsonoma.com/documents/> (last visited Nov. 8, 2023).

“relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”³⁶ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”³⁷ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region.”³⁸ Rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”³⁹ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.⁴⁰

b. Cultural Resources

i. *Procedural & Methodological Deficiencies*

We must begin the discussion on cultural resources by noting our utter dismay that the BIA published the draft EA, including its conclusions of less-than-significant impacts to cultural resources, despite the fact that it had not properly consulted with the Tribe pursuant to the National Historic Preservation Act (NHPA) Section 106. Beginning in August 2022, we sent several letters to the BIA and one of the project proponent’s archaeologist, Tom Origer, requesting that the various field surveys and cultural reports be shared with FIGR. We further requested that no testing of cultural resources be done without the participation of our Tribe. In December 2022, we requested to meet with the BIA to discuss this project through formal Section 106 tribal consultation. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H), cultural resources were subjected to destructive obsidian hydration testing without our knowledge or presence, and the BIA failed to respond to our meeting request until September 2023 (after we repeated our meeting request, in

³⁶ Decision Letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011).

³⁷ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

³⁸ Decision Letter Assistant Secretary Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 14 (Sept. 1, 2011).

³⁹ *Id.*

⁴⁰ *See, e.g.*, 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

writing, in August 2023). At the time of submitting these comments, the BIA has yet to meet with the Tribe due to BIA staff scheduling challenges.

Even if we *had* the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet. (See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area). Further, the proposed wastewater collection system involves installing a gravity sewer main underneath the existing creek. (See EA Sec. 2.1.4). Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated effluent until it can be used. (See EA Sec. 2.1.4). Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall. (See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8). These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction. Moreover, the design seems to contradict conclusions drawn by the project proponent’s archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet. (See confidential Appendix H-1 at 4). Up to 700 feet of new ground disturbance is certainly distinguishable from four feet of prior ground disturbance.

In addition to these consultation shortfalls, there are numerous issues with EA Section 3.6. First, in Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and “[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties.” (EA at 3-53). This assertion is misleading—likely to preserve the narrative that the Koi Nation is significantly and historically connected with the area—and without proper academic support. Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan-speaking peoples in Sonoma County,⁴¹ the EA cites only to the historic property survey report generated for this Project by the Koi Nation’s own archaeological consultant, John Parker. (EA at 3-53, citing Appendix H-1). This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is

⁴¹ Hokan is the language family in which Pomo is thought to have originated. See Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴² Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Southern Pomo speakers did not replace earlier inhabitants. Instead, Southern Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement.

Additionally, under the header “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. (EA at 3-51). As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Further, even though this subsection notes that FIGR believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with FIGR yet to discuss these issues.

Another issue, which we have raised before, is that the BIA should establish the APE in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary. (EA at 4-9). Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by the Koi Nation; while it does not specify the exact locations of such extensions and infrastructure improvements, it is logical to assume some of the work will be conducted off-site. (See EA at 3-86). Accordingly, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the

⁴² Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

How to Apply the National Register Criteria for Evaluation published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources. The evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. Relatedly, the EA's description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching. (See confidential Appendix H-2 at 11).

In subsection 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁴³ As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of and impact to tribal cultural resources. It is also noteworthy that the State Historic Preservation Officer has not concurred with the BIA's determination of no adverse effects, a fact the draft EA neglects to mention. Further, the EA's conclusion of no adverse effects under the NHPA is undermined by the EA's simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.” (EA at 3-56). This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

ii. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed. (EA at 3-56). Ironically, the section's ethnographic overview acknowledges the Project site is within Southern Pomo aboriginal territory (EA at 3-52), yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including our own. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be implemented properly or with the participation of the culturally affiliated tribes.

⁴³ The BIA makes this same conclusion for alternative project designs. See EA at 3.6.3.4 and 3.6.3.5.

To start, Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the local tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Next, Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, securing them no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. Ironically, and inappropriately, the project proponent *is* guaranteed a voice in this process. Moreover, this mitigation measure fails

to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁴⁴ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁴⁵ Last, this mitigation measure fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs.

Last, Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal descendants of a deceased Native American individual who has been *identified*.⁴⁶ In contrast, the “Most Likely Descendant” procedures under California state law are a completely separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁴⁷ This California law simply would not apply here. Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

⁴⁴ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁴⁵ 16 U.S.C. §§ 470aa–470hh; *see also* 43 C.F.R. §§ 7.4.

⁴⁶ *See* 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁴⁷ *See* California Public Resources Code § 5097.98.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: the Koi Nation will be afforded superior rights to our Tribe and other culturally affiliated tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. Why? Because the federal action here will result in the property being transferred into trust for the Koi Nation, thereby becoming the Koi Nation's tribal lands. And under these various federal legal schemes, the Indian tribe on whose tribal lands such remains or objects are found has a custodial priority over Indian tribes with the closest cultural affiliation. We cannot imagine it was Congress' intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA's decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public. As detailed above, there are substantial questions regarding the adequacy of the BIA's evaluation of cultural resources, the significance of the project's impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

c. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a "high" risk of wildfire. (EA at Fig. 3.12-2). Indeed, the Project site is situated *within a half mile* of the burn perimeter of *both* the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of California history. (EA at 3-109, Fig. 3.12-2). Despite the significant risk to human safety inherent in operating such a large casino facility in such a high-risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

i. Fire Protection and Emergency Medical Services

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant. (EA at 3-89). But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services." (Appx. O, emphasis added). No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi Nation required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi Nation to "make good faith efforts" to execute such an agreement. (EA at 4-8). Recognizing that Koi Nation has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if the Koi Nation does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site. (EA at 4-8). But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

ii. Operational Fire Ignition Risk

The EA concludes that the operation of the proposed casino-resort would not increase wildfire risk onsite or in the surrounding area. (EA at 3-117). This conclusion is fundamentally flawed because it focuses only on building features and landscaping but entirely ignores the effects of extensive *human activity* on the site. The EA proclaims that Alternative A would not "introduce uses that would increase the chance of igniting fires," but it never attempts to assess the potential for the thousands of daily visitors, and the thousands of vehicles entering and

exiting the property each day, to ignite fires from discarded cigarettes,⁴⁸ vehicle malfunctions, or other activities. This omission is glaring given the fact that 98% of all wildfires are started by people, including 47 wildfires every year, just in California, that are caused by cigarettes.⁴⁹

For example, the EA fails to consider the possibility of patrons accessing (and causing fires in) the wooded riparian corridor along Pruitt Creek that runs the full length of the Project site and contains significant amounts of flammable vegetation. The EA acknowledges that “Pruitt Creek could provide a pathway for the spread of wildfire through the Project Site, which could be a potentially significant impact.” (EA at 3-117). To mitigate this impact, the EA points to the mitigation measure of developing a “riparian corridor wildfire management plan.” But this management plan only addresses fuel loads and not any potential human interactions with or access to the corridor.

Moreover, the EA fails to acknowledge that the wooded riparian corridor not only runs the length of the Project site, it also extends beyond the Project site through both the residential neighborhood on the north side of the Project site and the mobile home community on the southwest side of the Project site. (See EA at Fig. 3.13-1). A visual inspection of these residential neighborhoods (and the adjacent Oak Park subdivision) shows hundreds of homes that appear to lack sufficient defensible space and fire-hardening features. The EA provides no analysis of how effective the mitigation plan would be in preventing a fire on the Project site from spreading to these residential neighborhoods. The failure to even mention, let alone evaluate, the risk of human-caused fires and how such fires might be able to spread to the surrounding area is a gaping hole in the EA. A full EIS is required to properly assess these serious risks.

iii. Impairment of Evacuation Plans

Despite the proposed casino-resort having parking facilities for over 5,000 vehicles, the draft EA concludes that a mass evacuation of the Project site will not significantly impact wildfire evacuation routes. This conclusion defies logic and stems from the absence of any attempt to evaluate the effectiveness of the proposed mitigation measures.

The draft EA relies on Appendix N-2, a technical memorandum opining that evacuating all vehicles from the Project site would take about 2.5 hours (or a combined total of 6-8 hours if the evacuation occurred simultaneously with the rest of the town of Windsor). Without

⁴⁸ The proposed casino-resort would be an entirely non-smoking facility (EA at 2-1), meaning patrons who smoke would necessarily be doing so outdoors, increasing the risk of fires caused by carelessly discarded cigarettes.

⁴⁹ Paul Elias, “A cigarette, a care backfire: Small sparks can make big fires.” Associated Press. October 11, 2017 (citing data from Ken Pimlott, Director of CalFire) (accessed at: <https://www.king5.com/article/news/a-cigarette-a-car-backfire-small-sparks-can-make-big-fires/281-482574889>); Patrick McGreevy, “California wildfires fuel a new push to ban smoking at state parks and beaches.” Los Angeles Times. August 30, 2018 (citing 2017 CalFire study) (accessed at: <https://www.latimes.com/politics/la-pol-ca-smoking-ban-beaches-20180830-story.html>).

addressing what these evacuation periods actually mean for the safety of patrons or how they impact the community's evacuation routes, the draft EA summarily concludes that no significant impairment of evacuation routes will occur if an "early evacuation" procedure is adopted as a mitigation measure.

The draft EA fails to identify any metrics that the BIA considered in coming to that conclusion. For example, the draft EA does not indicate the scale of human casualties that might result from evacuation periods of various lengths. Also missing is any attempt to quantify how much the "early evacuation" procedure would reduce the evacuation times. Nor does the draft EA address how the impacts of the cited evacuation periods might vary based on real-world wildfire scenarios, such as different wildfire locations or intensities. Instead, the draft EA simply presents the speculative, conclusory assertion that a 2.5-hour evacuation period (or 6-8 hours if Windsor also evacuates) in conjunction with an early evacuation procedure somehow results in no significant impact. This absence of analysis is legally deficient.⁵⁰

Rather than fill this analytical gap, the draft EA emphasizes that the 2.5-hour estimate is "conservative" because it assumes the parking areas would be full at the time of evacuation. But this estimate also relies on extremely optimistic assumptions—in particular, the radical assumption that *nothing will go wrong* during the evacuation. Appendix N-2 makes no provision for complicating circumstances that are highly foreseeable in a mass evacuation of this magnitude, such as: vehicle accidents and breakdowns that block exit lanes; non-compliant or panicked drivers that ignore evacuation instructions; poor visibility from wildfire smoke; and traffic attendants that are unable to report to duty in challenging wildfire conditions.⁵¹ An issue as grave as wildfire evacuations warrants a robust analysis that addresses these inputs (and more)⁵² prior to concluding that a particular evacuation plan is an effective mitigation measure.

Finally, the draft EA's heavy reliance on the supposed advantage of "early evacuation" has an additional fundamental weakness. The rationale stated in the draft EA is that an early evacuation would reduce traffic congestion (by an unquantified amount) by having the Project site evacuated before Sonoma County authorities issue an evacuation order for the larger evacuation zone in which the Project site is located. This would be accomplished by evacuating the Project site as soon as a neighboring evacuation zone is ordered to evacuate. However, it is

⁵⁰ *Nat'l Parks Conserv. Assoc'n*, 241 F.3d at 735 (9th Cir. 2001) ("The EA's speculative and conclusory statements are insufficient to demonstrate that the mitigation measures would render the environmental impact so minor as to not warrant an EIS.")

⁵¹ Rather than incorporate these real-world scenarios, Appendix N-2 generates the 2.5-hour estimate by simply counting the number of vehicles that would be using each of the Project site exits and applying the "typical rate assumed in urban areas" for how many vehicles can pass through an intersection per hour. (Appendix N-2 at 2). This "typical rate" is not specific to evacuation situations.

⁵² The draft EA also fails to assess how many patrons would not have a car to use during an evacuation—such as those patrons that arrived at the casino-resort via shuttle, taxi, rideshare, or were dropped off by friends or family. The draft EA does not attempt to evaluate whether the casino-resort would have sufficient capacity to provide emergency transportation to all of these patrons at the same time during a mass evacuation.

quite possible that the Project site’s evacuation zone will receive evacuation orders at the same time as one or more of the neighboring evacuation zones. This is especially true for the largest, most catastrophic wildfires. Thus, “early evacuation” serves no mitigation function during the most serious wildfires that trigger simultaneous multi-zone evacuations, which are the very wildfires for which an effective evacuation plan is the most critical.⁵³ Furthermore, the draft EA makes no attempt to assess how often such catastrophic fires might occur and offers no mitigation measures to address them. The draft EA does note, however, that climate change is increasing both the frequency and intensity of wildfires (Section 3.14.3 at 3-137), a fact that further imperils the reliance on “early evacuation” as a mitigation measure and bolsters the necessity of conducting a comprehensive analysis of different, real-world wildfire evacuation scenarios in a full EIS. Despite the proposed casino-resort having parking facilities for over 5,000 vehicles, the EA concludes that a mass evacuation of the Project site will not significantly impact wildfire evacuation routes. This conclusion defies logic and stems from the absence of any attempt to evaluate the effectiveness of the proposed mitigation measures.

d. Water Supply and Wastewater Treatment

i. Impacts on the Groundwater Basin

The potential depletion of the groundwater basin by the proposed casino-resort should be more fully investigated. Importantly, the existing water use at the Project site is primarily for irrigation of on-site vineyards, which is an inherently seasonal activity. (EA Section 1.4). On agricultural lands like the current vineyards, irrigation demands drop significantly during the wet season, allowing aquifers to recover. In contrast to this seasonal pattern, water usage for the proposed Project would be essentially constant, with the casino-resort operating 24/7 on a year-round basis—thus depriving the aquifers of their normal opportunity for seasonal recharge. Not only would the Project’s water usage be much more constant than existing uses, but the quantity of groundwater consumed by the casino-resort would be approximately 10 times greater than would be consumed by the existing vineyards.⁵⁴ Yet the EA does not analyze the implications of this increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge. Moreover, *none* of the mitigation measures address groundwater recharge, which instead focus entirely on monitoring nearby wells and compensating property owners in the event their wells run dry. (EA at 4-1–4-3).⁵⁵

⁵³ Moreover, the draft EA does not define which evacuation zones should be deemed “neighboring” evacuation zones. Therefore, the staff at the casino-resort responsible for evacuation planning do not have clear guidance on how to implement the early evacuation mitigation measures.

⁵⁴ Appendix C estimates the annual existing usage of the vineyard/home as 20 acre-feet per year (AFY). (Appx. C at Table 2-1). The projected daily water demand for Alternative A is 170,000 gpd (assuming recycled water is utilized for approved uses), which would equate to an annual figure of approximately 190.4 AFY. (Appx. C at Section 2.2)

⁵⁵ In contrast to the cursory treatment of groundwater issues in the EA, the Graton Resort & Casino development was subjected to a full EIS completed in 2009, and FIGR also prepared a Tribal Environmental Impact Report for its casino expansion project in 2023. As part of the EIS, groundwater impacts were extensively analyzed, including a

Furthermore, bypassing the preparation of a full EIS is not appropriate when the EA itself identifies major areas of uncertainty regarding groundwater extraction at the Project site that warrant further study. As one example, the EA acknowledges that it is unknown whether the existing on-site irrigation wells are suitable for use as potable water supply wells—and as a result, it is not known whether new supply wells will be needed, and, if so, where those new wells would be located. (Appx. C at 2-7, 4-1). As another example, the EA concedes that “[s]ite specific monitoring is needed to confirm the hydraulic separation between the upper and lower aquifers underlying the site” before it can be confirmed that there would not be significant impacts to surrounding wells, including the Town of Windsor’s irrigation and potable water wells across the street in Esposti Park. (EA at 3-19). Nothing in the EA suggests that this information is not obtainable. Thus, the relevant data collection and analysis should be performed *before* a final decision is made about the adverse impacts of the Project. An EIS should be prepared in precisely these scenarios when important knowledge gaps can be filled by further investigation.⁵⁶

Lastly, these groundwater issues affect not just the Project site and immediate neighbors but the larger groundwater basin and Russian River watershed. As acknowledged in Appendix C of the EA, the Project site overlies the Santa Rosa Plain sub-basin, which covers 80,000 acres, and is itself a part of the larger Santa Rosa Valley Basin, a groundwater basin covering 101,000 acres and draining toward the Russian River. (Appx. C at Section 3.1). The groundwater basin and the surface waters of the Russian River and its tributaries, such as Pruitt Creek, are interconnected through fissures and other hydrogeologic features. Extensive modeling has demonstrated that excessive groundwater extraction in the region has caused reduced flows in the Russian River and its tributaries, exacerbating existing water quality issues. Indeed, the EA affirms that the entire Russian River watershed is already listed as impaired for sediment and temperature under the Clean Water Act. (EA at 3-10). A comprehensive analysis addressing the risks to the groundwater basin and connected surface waters in this vulnerable watershed should be conducted as part of an EIS for the Project.

ii. Wastewater Treatment and Discharge

The EA’s conclusions about potential impacts of the Project’s wastewater treatment and disposal activities are premature. A finding of no significant impact cannot be reached at this

groundwater study that used an analytical drawdown model to predict the impact of sustained groundwater pumping on the groundwater sub-basin at both the resort boundary and at greater distances from the proposed wells. *See* NIGC Final Environmental Impact Statement, Graton Rancheria Casino and Hotel Project (Feb. 2009) at Appendix G. Furthermore, for the recent expansion project, mitigation measures were set forth to actually reduce groundwater pumping by approximately 35 gpm. *See* FIGR Final Tribal Environmental Impact Report, Graton Resort & Casino Expansion Project (May 2023) at Table 1-1.

⁵⁶ *National Parks*, 241 F.3d at 732-33 (“Preparation of an EIS is mandated where uncertainty may be resolved by further collection of data”).

early stage. The EA merely presents a wide range of different effluent disposal options without indicating which ones are preferred or assessing the relative impacts of each.

Under “Option 1,” effluent from the wastewater treatment plant would be recycled and used on-site for irrigation, toilet flushing, and cooling tower makeup, with the excess effluent not consumed by these uses stored in a massive seasonal storage pond. (Appx. C at 2-25). The proposed on-site storage pond would stretch across 4+ acres and store about 12 million gallons of effluent. (Appx. C at Fig. 2-7). In the wet season, Option 1 would also entail discharging some effluent on-site into Pruitt Creek. (Appx. C at 2-25). “Option 2” would differ by utilizing two 8-million-gallon storage tanks installed in the treatment area rather than the seasonal storage ponds. (Appx. C at Fig. 2-8). Option 3 and Option 4 would adapt Option 1 and Option 2, respectively, by incorporating off-site irrigation as an additional effluent disposal method, thus reducing the size of the seasonal storage pond/tanks. (Appx. C at 2-25). The EA, however, does not suggest which of these Options is preferred or most likely to be adopted, or whether some new combination or modification of these disposal strategies might ultimately be chosen—thus leaving the actual approach, and its impacts, entirely uncertain.

The impacts on the Project site could vary greatly depending on which disposal option(s) are adopted. For example, whether there is a 4-acre effluent storage pond on the Project site, and its location in relation to other facilities such as groundwater wells, is highly relevant to the assessment of environmental impacts. Similarly, if Option 2 is adopted (installing two 8MG seasonal storage tanks in the “treatment area” rather than utilizing a storage pond), it is not clear whether the “treatment area” would still be able to safely fit all of the other infrastructure that is already planned to be located there—including up to two groundwater wells, a potable water treatment plant, a waste water treatment plant, 1MG storage tanks for both potable and recycled water, and a fire station.

Moreover, the EA fails to provide any analysis of the environmental impacts of discharging effluent into Pruitt Creek (which is a feature of all 4 Options). Pruitt Creek, along with other creeks in the Windsor area, flow into the Laguna de Santa Rosa, which is a sacred area and tribal cultural resource of our Tribe. The EA also fails to identify any mitigation measures. Instead, the EA states that no impairment of the downstream waterways would occur from this discharge because it would be subject to a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. EPA. (EA at 3-21). But the mere fact that a future permit would be required does not obviate the need for a complete analysis and disclosure of impacts.⁵⁷ Similarly, one of the contemplated effluent disposal methods is off-site irrigation of nearby agricultural lands but no specifics are provided as to how or where this might occur. The use of

⁵⁷ *South Fork Band*, 588 F.3d at 726 (“BLM argues that the off-site impacts need not be evaluated because the Goldstrike facility operates pursuant to a state permit under the Clean Air Act. This argument also is without merit. A non-NEPA document...cannot satisfy a federal agency’s obligations under NEPA.”).

recycled water in the Russian River watershed has the potential to exacerbate existing water quality problems due to issues like nutrient loading, odor, algae growth, and reduction of dissolved oxygen. These issues go unmentioned in the EA. This is a serious flaw in the EA which can only be fixed by a comprehensive EIS.

iii. Undefined Layout of the “Treatment Area”

The proposed “treatment area” on the eastern portion of the Project site is slated to house a multitude of major pieces of infrastructure and water-related facilities. But the EA provides no information as to where within the treatment area these facilities will be located or how they will be oriented in relation to each other. Without this basic information, it is premature for the EA to conclude that there is no significant impact from the installation of so much infrastructure in one confined area.

Specifically, the EA indicates that the following infrastructure relating to potable water supply, wastewater treatment, recycled water distribution, and fire protection services are all planned to be installed (or potentially installed) in the “treatment area”:

- **Two water supply wells**⁵⁸: each drilled to a depth of 700ft and each having a 50ft-radius control zone around the well site to avoid contamination (Appx. C at Section 5-1)
- **Potable Water Treatment Plant**: capable of supplying the casino-resort with an average of 170,000 gpd of potable water (overall size not specified) (Appx. C at Section 5.2)
- **Potable Water Storage Tank (1-million-gallon)**: steel tank for storing potable water for the casino-resort (75ft wide X 32ft high) (Appx. C at Section 5.3)
- **Potable Water Pump Station**: for conveying water from the Potable Water Storage Tank to the casino-resort (size not specified) (Appx. C at Section 5.3)
- **Wastewater Treatment Plant**: capable of handling about 400,000 gpd of wastewater generated by the casino-resort (overall size not specified) (Appx. C at Section 6.2)
- **Recycled Water Equalization Storage Tank (1-million-gallon)**: steel tank for on-site use of recycled water for toilets and irrigation (60ft wide X 43ft high) (Appx. C at 6-12)
- **Recycled Water Pump Station**: for pumping water from the Recycled Water Storage Tank to the recycled water distribution system (size not specified) (Appx. C at 6-13)
- **Two Seasonal Storage Tanks (each 8-million-gallon)**⁵⁹: for storing excess effluent until it can be used on-site as recycled water or discharged to Pruitt Creek (each 145ft wide X 65ft high) (EA at 2-8; Appx. C at Fig. 2-8)

⁵⁸ Figure 2-4 of Appendix C shows the proposed location of the new well in the treatment area. According to Appendix C (Section 5.1), it is recommended to have at least two active wells available so that one can be serviced without interrupting the water supply. While there are four existing on-site wells used for irrigation, Appendix C notes that “it is unclear whether these [existing] wells are suitable for use as a potable water supply.” (Appx. C at 2-7). Therefore, up to two new wells may be needed (with one or both potentially located in the treatment area).

⁵⁹ The EA states that either seasonal storage ponds (Option 1) or seasonal storage tanks (Option 2) could be used to store excess effluent. The storage pond would be approximately 12 million gallons, covering about 4.1 acres, and

- **Fire Station:** Fully equipped, BIA-certified fire station staffed with at least 3 personnel (overall size not specified) (EA at 4-8)

The EA makes no attempt to determine whether there is actually enough space to fit all these structures and facilities within the irregularly-shaped treatment area—*let alone fit them in a safe manner that does not create significant impacts*. Indeed, the above list omits substantial accompanying infrastructure such as driveways and loading docks for hauling away the sludge produced by the wastewater treatment plant (EA at 2-8), installation of a lift station and a sewage pipeline under Pruitt Creek for transmitting wastewater from the casino-resort to the wastewater treatment plant (Appx. C at Section 6.1), and the pipeline and outfall structure for discharging treated wastewater into Pruitt Creek (Appx. C at Section 6.3.2). No specific location for any of these infrastructure components has been identified either. Thus, it is improper to reach any conclusion regarding their individual or collective impacts or the particular mitigation measures that are needed.

e. Transportation & Circulation

The analysis of impacts to local roadways and adjacent landowners from traffic generated by the casino is inadequate. Disclosure of all reasonably foreseeable impacts, along with appropriate mitigation is therefore required in a comprehensive EIS.

Specifically, the EA evaluates the impact to Level of Service at several intersections, but omits any analysis of Shiloh Road and Fought Road. This intersection needs to be evaluated and then commented on in a new or recirculated NEPA document.

Traffic mitigation is specified in EA Section 4, including installing traffic signals, adding lanes, widening roads, and constructing entrance driveways to the casino. Over 30 traffic improvements are specified in Section 4, however none of them have been illustrated in such a way as to reasonably ascertain impacts to private property, cultural resources, biological resources, and hazardous materials. Although EA Section 3.15.1 purports to analyze “Indirect Effects of Off-Site Traffic Mitigation,” no actual analysis is provided, just general statements such as “[o]ff-site improvements are anticipated to primarily impact previously disturbed areas, agricultural land, ruderal vegetation, and/or roadside drainage channels,” and then general statements such as “[p]otential off-site improvement projects would be subject to the protection of cultural resources afforded by CEQA.” There is no evidence that the limits of the required traffic mitigation construction areas have been defined (for example, mapped on an aerial photo or map), no evidence that those areas have been surveyed by qualified professionals for cultural

would presumably need to be located within the vineyard areas because the entire treatment area is only 3.5 acres. (EA at 2-9; Appx. C at Figure 2-7). The draft EA does not indicate which option is more likely to be implemented at the Project site.

resources, biological resources, and hazardous materials contamination, and no actual mitigation has been specified. Also, it is clear that all required improvements cannot be made in public rights-of-way and that private property will need to be condemned to construct some improvements, such as widened roads and traffic signals. The extent of required private property condemnation is not disclosed, and it is not clear that the taking of private property for a commercial development project is an impact that can be mitigated to a level of less-than-significant. When there is no reasonable certainty that an impact can be fully mitigated, a Finding of No Significant Impact (FONSI) cannot be issued by the NEPA federal lead agency, and an EIS must be prepared.

Stating that impacts may be identified in the future, and mitigation would then be required by the California Environmental Quality Act (CEQA), is both a deferment of the required NEPA analysis and associated public disclosure, and also an unlawful deferral of identifying appropriate mitigation. The lack of specificity in the identification, analysis, and mitigation of off-site traffic mitigation is a fatal flaw in the EA, and therefore an EIS is required to properly evaluate this issue.

f. Socioeconomics and Environmental Justice

Section 3.7 of the EA makes the unsupported and, in our experience, incorrect assertion that “Sonoma County is a highly populated area that has a sufficient labor force focused on the hospitality industry” (EA at 3-64). The EA proceeds to say that “[w]ith several other casino resorts in the market area, as well as other hospitality developments, the population already includes people who are seeking casino and/or hospitality-based employment.” (*Id.*). Yet for the last several years, the Graton Resort & Casino has struggled to find qualified candidates to fill open positions at all levels. This difficulty seems to reflect national trends showing a severe shortage in hospitality workers.⁶⁰ Should the Koi Project open, we expect there will be even greater hiring competition for a distressingly limited number of hospitality workers. At the very least, the EA should provide data supporting its conclusion that a sufficient labor market exists in Sonoma County and evaluate the impacts of the Project on neighboring hospitality businesses, particularly tribal hotels and casinos.

Relatedly, in our experience the inability to attract hospitality workers goes hand-in-hand with the lack of nearby affordable housing. The problem is so acute that we have considered whether to provide or subsidize employee housing and, in 2019, we submitted a fee-to-trust application to BIA to acquire trust land for constructing a Graton Resort & Casino employee housing project. While that plan was ultimately scrapped due to the pandemic and other factors, we are nonetheless still evaluating other approaches for supporting employee housing needs.

⁶⁰ See, e.g., American Hotel & Lodging Association, *82% of surveyed hotels report staffing shortages*, <https://www.ahla.com/news/82-surveyed-hotels-report-staffing-shortages> (June 5, 2023).

Accordingly, it is hard to believe the EA’s conclusion that “the small number of housing needs from Alternative A would be filled by existing vacant units” and we urge that more analysis be conducted. (EA at 3-64).

Finally, while the EA correctly quotes the Eastern District of California in upholding Interior’s prior conclusion that “competition...is not sufficient, in and of itself, to conclude [there would be] a detrimental impact on” a tribe, that is distinguishable from concluding that market competition is irrelevant to NEPA. This is particularly true when considering how market competition and the substitution effect on neighboring casinos translates to lower revenues to support tribal government services and tribal citizens. The EA should consider, in regards to the local tribal casinos that will absorb the greatest hit, the fact that the Koi project will support 89 Koi citizens to the detriment of Graton’s 1,500 citizens, Dry Creek’s 900 citizens, and Sherwood Valley’s 450 citizens.⁶¹

g. Indirect & Cumulative Effects

The BIA must consider both the indirect and cumulative effects of the proposed action. The Council on Environmental Quality (CEQ) regulations define indirect effects as those “caused by the action, [and] later in time or farther removed in distance, [but] still reasonably foreseeable.”⁶² The CEQ regulations further define “cumulative effects” as “the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions.”⁶³ The EA completely fails to consider both the indirect and cumulative effects of this proposed federal approval on the rights and ability of culturally affiliated tribes to protect their cultural resources and ancestors, both at the site and in the surrounding area, and to engage in co-stewardship and the sharing of Traditional Ecological Knowledge (TEK).

In order for the Department to approve this application, the purpose of which is to conduct gaming, the Department must make a determination pursuant to the Indian Gaming Regulatory Act (IGRA) restored lands exemption. The restored lands exemption requires the applicant tribe, here the Koi Nation, to have a “significant historical connection” with the proposed gaming parcel, such that the Department’s acquisition of the land in trust for the Koi Nation would constitute a “restoration” of the Koi Nation’s tribal lands. The IGRA regulations

⁶¹ Graton’s citizenship numbers were taken from our in-house records, whereas we offer rough citizenship numbers for Dry Creek Rancheria and Sherwood Valley Rancheria based on internet searches. See Dry Creek Rancheria Band of Pomo Indians, *Community Involvement*, <https://drycreekrancheria.com/#:~:text=Today%20the%20Dry%20Creek%20Rancheria%20Band%20has%20more%20than%20900%20members> (last visited Nov. 6, 2023); Wikipedia site for Sherwood Valley Rancheria, https://en.wikipedia.org/wiki/Sherwood_Valley_Rancheria_of_Pomo_Indians_of_California#:~:text=Sherwood%20Valley%20Rancheria%20of%20Pomo%20Indians%20has%20over%20450%20enrolled,members%20residing%20n%20reservation%20land (last visited Nov. 6, 2023).

⁶² 40 C.F.R. § 1508.1(g)(2).

⁶³ 40 C.F.R. § 1508.1(g)(3).

further define “significant historical connection” as “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.”⁶⁴ The concept of “significant historical connection” is intrinsically wrapped into the concept of “cultural affiliation”—that is, a tribe’s subsistence methods, cultural practices, belief systems, and traditional ecological knowledge are rooted in the geographic area where a tribe was historically located.

A federal decision rubber stamping the Koi Nation’s claim of a significant historical connection to the Russian River Valley and Sonoma County in general will affect the cultural rights of the local, aboriginal tribes in a host of other contexts. For example, NAGPRA requires that the ownership and control of Native American remains and cultural items discovered on Federal or tribal lands shall reside with the following, in order of priority:

- the lineal descendants of the Native American (if known);
- the Indian tribe on whose tribal land such objects were discovered;
- the Indian tribe which has the closest cultural affiliation with such remains or objects.⁶⁵

This is of course alarming because it means any cultural resources or human remains found on the Shiloh Parcel—either during the construction of the Project or at any point in the future—would, assuming no lineal descendant is identified, belong to the Koi Nation. This is so despite the fact that those cultural resources and ancestors are from the Southern Pomo people and should rightfully belong to a Southern Pomo tribe.⁶⁶ If, following the BIA approval of this initial acquisition, Koi Nation acquires additional trust land in Sonoma County—which seems highly foreseeable—it will have priority rights to all cultural resources and ancestors on *those* properties. Moreover, for any federal lands in Sonoma County, the Koi Nation can make the argument that it is culturally affiliated and therefore make a claim those cultural resources or human remains, to the detriment of the local, culturally affiliated Southern Pomo and Southwestern Pomo tribes.

Similarly, there are many institutions in the Bay Area with collections that include Southern Pomo and/or Southwestern Pomo human remains, funerary objects, sacred objects, and objects of cultural patrimony that are subject to repatriation under NAGPRA. A tribe may submit a repatriation claim based on its “cultural affiliation” with the remains or object.⁶⁷ The NAGPRA regulations define cultural affiliation as “a relationship of shared group identity that can be reasonably traced historically or prehistorically between members of a present-day Indian

⁶⁴ 25 C.F.R. § 292.2.

⁶⁵ 25 U.S.C. § 3002(a).

⁶⁶ ARPA reinforces this rule by providing that “Archaeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.” 43 C.F.R. § 7.13.

⁶⁷ 43 C.F.R. § 10.10(a)(1)(ii) and (b)(1)(ii). Although proposed amendments to the NAGPRA regulations are pending, they nonetheless continue to incorporate the central concept of cultural affiliation.

tribe...and an identifiable earlier group.”⁶⁸ Further, cultural affiliation must be established by the preponderance of the evidence based on “geographical, kinship, biological, archeological, anthropological, linguistic, folklore, oral tradition, historical evidence, or other information or expert opinion.”⁶⁹ If the Koi Nation’s application is approved and the federal government determines it has a “significant historical connection” with some or all of Sonoma County, it opens the door for Koi to make competing NAGPRA claims for *our* ancestors and cultural resources, further muddying an already incredibly long and difficult repatriation process.

Similar implications arise under a myriad of other federal laws and policies that provide for tribal consultation, consultation, and co-stewardship. This Administration has been a leader in uplifting the recognition and incorporation of Traditional Ecological Knowledge (TEK) and the essential role tribes should play in co-stewardship of public lands. For example, the *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* provides a framework for the U.S. Department of the Interior and the U.S. Department of Agriculture to manage lands and waters in a manner that protects the “treaty, religious, subsistence and cultural interests” of tribes.⁷⁰ This includes pathways to co-stewardship over federal lands and waters, as well as the incorporation of TEK into federal management decisions, both of which involve the foundational question of which tribe(s) are the proper stewards and hold the relevant TEK for a particular area. Additionally, the White House has issued broader guidance to all federal departments and agencies on respecting and incorporating indigenous knowledge into federal research, policies, and decision making.⁷¹ The White House guidance drives home the inherent link between TEK and a tribe’s historical presence in and interaction with a particular environment.⁷² Accordingly, a federal decision to approve Koi’s application on the basis of its significant historical connection claim will undermine the ability of Southern Pomo and Southwestern Pomo tribes to utilize federal programs and processes aimed at elevating TEK and stewardship rights for culturally affiliated tribes. This harm will only compound over time as the Koi Nation may use this federal decision as a basis for asserting itself as a “Sonoma County tribe” in all sorts of scenarios.

Beyond these serious indirect and cumulative impacts to tribal cultural resources, there may be indirect impacts on Indian health services provided in Sonoma County. Sonoma County Indian Health Project (SCIHP) provides health care for all Indians living in Sonoma County and performs the functions of the federal Indian Health Service (IHS) in this service area. It is run by a tribal consortium that includes the Cloverdale Rancheria of Pomo Indians, Dry Creek

⁶⁸ 43 C.F.R. § 10.2(e)(i).

⁶⁹ *Id.*

⁷⁰ U.S. Dep’t of the Interior, U.S. Dep’t of Agriculture, Order No. 2303 (Nov.15, 2021).

⁷¹ *See also* White House Memorandum re: Guidance for Federal Departments and Agencies on Indigenous Knowledge (Nov. 30, 2022).

⁷² *Id.* at 4 (describing indigenous knowledge as “a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment” and specifically referring to it as a “place-based body of knowledge.”)

Rancheria of Pomo Indians, the Federated Indians of Graton Rancheria, Lytton Rancheria of California, and Kashia Band of Pomo Indians.⁷³ Koi Nation is not a member of the consortium. If the BIA approves this project and allows the Koi to establish a new reservation in Sonoma County, it is only logical that some number of Koi citizens will re-locate to the area and utilize the available IHS services through SCIHP. This is particularly true given that a new SCIHP health care clinic is planned for construction in Santa Rosa, just 11 minutes from the Koi Project site.⁷⁴ The indirect effects of this increased demand should be analyzed.

h. Public Services & Utilities

Our comments concerning water supply, wastewater, and fire services have already been raised, however we wish to flag other glaring unknowns regarding public services and utilities, which will likely have significant impacts. As noted but essentially glossed over in Section 3.10, Pacific Gas & Electric (PG&E), the primary electric and natural gas provider in northern California, “does *not* have capacity for Alternative A as of 2022.” (EA at 3-86 (emphasis added)). The EA then states that PG&E “has electrical infrastructure projects underway that would be completed in 2024/2025 with feeder related infrastructure needing potentially another two years” and therefore these projects would be completed before the 2028 opening date and the Project’s electrical supply needs will be met. (EA at 3-86). There is, of course, an enormous degree of uncertainty in this supposition and a complete lack of discussion concerning the details of those infrastructure projects, whether they have already been permitted, and whether any aspects are contingent on the Koi casino project being approved. It seems that at least portions of these infrastructure improvements would only occur if BIA approves the Koi casino since the EA states that the Koi Nation would be responsible for paying for these “extensions and services,” not the public. *Id.* The BIA must fully describe and analyze these infrastructure improvements, including the on- and off-site environmental impacts, and develop appropriate mitigation measures. The cursory analysis of off-site utility improvements in Section 3.15 (on indirect and growth-inducing effects) is simply insufficient. (See EA at 3-149, providing sparse analysis of only the issue of relocating utility lines).

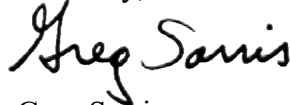
⁷³ See Sonoma County Indian Health Project, Our History, <https://www.scihp.org/history/> (last visited Nov. 16, 2023).

⁷⁴ See *Sonoma County Indian Health Project confirms plans for 70,000-square-foot new clinic in Santa Rosa*, NORTH BAY BUSINESS JOURNAL (July 30, 2020), available at <https://www.northbaybusinessjournal.com/article/industrynews/sonoma-county-indian-health-project-confirms-plans-for-70000sf-new-clinic/>.

IV. Conclusion

We continue to ask the BIA to seriously, thoroughly, and objectively evaluate this Project and listen to the chorus of concerns raised by Sonoma County tribes, nearby residents, and local governments. We further wish to note that while there is no formal notice and comment process for the Department's consideration of the Koi Nation's "restored lands" claim under the Indian Gaming Regulatory Act (IGRA), we are presently analyzing the thousands of pages of submitted materials and plan to submit our responsive analysis by the end of this year. As a trustee for not only the Koi Nation, but all federally recognized tribes, we strongly urge you not to move forward on any IGRA determination until you have properly consulted with us and other affected tribes.

Sincerely,

A handwritten signature in black ink that reads "Greg Sarris". The signature is written in a cursive, flowing style.

Greg Sarris
Chairman

From: Lynn Laub <LynnL@drycreekrancheria.com>
Sent: Monday, November 13, 2023 3:52 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Chris Wright
<ChrisW@drycreekrancheria.com>; michelle@thecirclelaw.com <Michelle@thecirclelaw.com>
Subject: [EXTERNAL] DCR's Comment letter re Koi Nation EA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

Please see Dry Creek Rancheria's Comment letter re Koi Nation EA.

Lynn Laub
Executive Assistant to the Board of Directors
Dry Creek Rancheria Band of Pomo Indians
P.O. Box 607
Geyserville, CA 95441
Direct Tel: 707-814-4166
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LynnL@drycreekrancheria.com

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One attachment • Scanned by Gmail



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

Sent via email to : Chad.Broussard@bia.gov

November 13, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

**Re: Dry Creek Rancheria Comment to Shiloh Resort and Casino Project
Environmental Assessment**

Dear Director Dutschke:

The Dry Creek Rancheria Band of Pomo Indians, California ("Dry Creek"), is a federally recognized Indian tribe with aboriginal homelands and reservation located in what is now called Sonoma County, California. For the past two years, Dry Creek has expressed its opposition to the Koi Nation's application to the United States Department of the Interior ("Interior") to acquire sixty-eight (68) acres of land in trust for a casino and resort (the "Sonoma County Site" and "Project"). The Sonoma County Site is located in unincorporated Sonoma County ("County"), adjacent to the City of Windsor ("City"), which is approximately fifty (50) miles from the Koi Nation's ancestral territory which is in a different county. I am writing to express our opposition to the trust acquisition for the Koi Nation ("Koi" or "Tribe") in Dry Creek ancestral territory, which will have severe impacts on the community and specifically Dry Creek Rancheria and our tribal members. This letter also sets out our comments to the Environmental Assessment ("EA") published in September 2023.

**I. Background Regarding the Dry Creek Rancheria's Struggle to Develop an
Economic Base to Provide for the Tribal Government and Citizens.**

The Dry Creek Rancheria is comprised of Southern Pomo and Western Wappo people from the region that includes the Sonoma County Site. Dry Creek Rancheria is located a mere nineteen (19) miles from the Sonoma County Site. Dry Creek currently has 1,337 tribal members and 50%

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Rancheria Address: 3250 Highway 128 East, Geyserville, CA 95441
Office Address: 1450 Airport Boulevard, Suite 200A, Santa Rosa, CA 95403

of those tribal members live in Sonoma County. Official recognition of the Tribe as a sovereign nation occurred in 1915, when the federal government created the Dry Creek Rancheria and named the Tribe the Dry Creek Rancheria Band of Pomo Indians. The Rancheria occupies 75 steep acres between Healdsburg and Geyserville off Highway 128 -- a sliver of the Tribe's historic land.

Like Koi's original rancheria, the Dry Creek Rancheria is rocky, lacked infrastructure and is very challenging to build on. However, Dry Creek members held onto the land and have struggled to develop infrastructure to support tribal government functions and its primary economic development enterprise, the River Rock Casino. That struggle frames the Tribe's primary objections to the Koi project and is outlined here to establish the foundation for these comments.

The Tribe opened River Rock Casino on its tribal trust lands in September of 2002. Soon thereafter, a lawsuit was filed by the owner of an adjacent fee parcel, Terrence Proschold, against the United States.¹ The lawsuit contended that an easement purchased by the United States to provide access to the Dry Creek Rancheria from Highway 128 was limited to residential purposes, and therefore use of the easement by gaming patrons was prohibited. Without the easement, the Rancheria would be landlocked, and the Tribe would not be able to operate River Rock Casino.

The United States asserted that the easement was held in trust for the benefit of the Dry Creek Rancheria, and that it was immune from suit under the Quiet Title Act, 28 U.S.C. § 2409a. Although the Quiet Title Act waives sovereign immunity for title disputes involving real property in which the government claims an interest, it expressly reserves sovereign immunity in disputes involving lands held in trust for Indian tribes. Because the United States elected to assert sovereign immunity, the court lacked subject matter jurisdiction to hear the case, and thus the action was dismissed.²

One important aspect of tribal sovereignty is that tribal trust lands are exempt from local land use laws.³ As a result, Dry Creek Rancheria maintains the inherent right to develop lands held in trust by the federal government without regard to local land use regulations, such as a County General Plan, and the County lacks regulatory jurisdiction over the Tribe's Indian lands.⁴ Unfortunately, for many years, the County and a group of neighbors called the Alexander Valley Association ("AVA") continued to challenge the Tribe's rights to govern itself and to operate a gaming facility pursuant to the IGRA, and they challenged every permit or approval that was needed for the casino facility to operate.

In 2008, the Tribe entered into a Memorandum of Agreement with the County to resolve many legal disputes. At that time, the Tribe and the County were in dispute over several topics that

¹ *Proschold v. United States*, 90 F. App'x. 516 (9th Cir. 2004); 2004 WL 324717 (9th Cir.(Cal.).

² *Id.* at 518.

³ *Santa Rosa Band of Indians v. Kings County*, 532 F.2d 655 (9th Cir. 1975), cert. denied, 429 U.S. 1038, 97 S.Ct. 731, 50 L.Ed.2d 748 (1977) (claims based on county zoning regulation of Indian lands.

⁴ Sonoma County sought to enforce its fire codes on the Dry Creek Rancheria, but the District Court and the 9th Circuit held that Sonoma County fire codes were not enforceable by the County on the Rancheria. Unpublished decision, *In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*.

made it extremely difficult for the Tribe to move forward with its plans to operate the River Rock Casino on its Indian lands.

The following list provides a brief description of each legal dispute that was pending and settled by the 2008 MOA:

- 1) The Tribe's Alcohol License: (*In the Matter of the Protest of Sheriff Bill Cogbill, et al. Against the Person to Person and Premises to Premises Transfer of a General Public Eating Place Alcohol License*); The County Sheriff, Fire Chief, Board of Supervisors and the Alexander Valley Association each protested to the Department of Alcoholic Beverage Control ("ABC") that the River Rock Casino should not be granted a liquor license. The Tribe contended that it was qualified to obtain the license as a venue in the wine country.

Outcome: The Tribe's ABC License was ultimately issued because of the 2008 MOA and is currently in effect. There is no current dispute regarding the ABC License. Over-reaching restrictions in the earlier ABC License have recently been lifted.

- 2) County Appeal of the Approval of Fee-to-Trust Application for Contiguous Lands: (*California Department of Conservation, et al. v. Acting Pacific Regional Director, Bureau of Indian Affairs*); The State of California, Sonoma County and AVA each appealed a final decision of the BIA decision to take 18 acres of land (the "Dugan Property"), contiguous to the Rancheria, into trust for the Tribe. The County was the primary instigator of the appeal.

Outcome: The land was taken into trust in 2010 and there are no disputes pending or expected regarding the status of the Tribe's trust land. The Tribe was forced to purchase "like-for-like" exchange property to off-set the County's allegation that the Williamson Act was being violated by the trust acquisition. The Tribe had to purchase the Petaluma property for \$12,474,400, which was an exorbitant price because it was one of only a few properties available that would meet the criteria for land exchange under the Williamson Act. The purpose of the Dugan Property acquisition was to enable the Tribe to build an emergency access road (that was demanded by the County Fire Chief in the litigation described below) and to construct a fire station and tribal offices.

The BIA later changed its position and found that it could in fact take the land into trust as long as the Williamson Act contracts were simply non-renewed, but the Tribe had already been forced to buy the Petaluma property to formally cancel the Williamson Act contract with the like-for-like exchange in order for the land to go into trust as agreed in the 2008 MOA.

- 3) Fire Safety Inspections Authority Litigation: (*In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*); The County Fire Chief sought a state civil administrative inspection warrant for the Rancheria. In February 2007, the United States District Court for the Northern District of California determined that the County

did not have fire code enforcement jurisdiction on the Reservation and the Ninth Circuit Court of Appeals, in a final judgment, affirmed the District Court's determination.

Outcome: The County Fire Chief's attempt to assert jurisdiction over the Tribe's property was improper under the law but cost the Tribe hundreds of thousands of dollars to defend its rights.

- 4) Appeal of NPDES Permit for Wastewater Discharge: (*In re: Dry Creek Rancheria NPDES Permit*); On April 30, 2007, the United States Environmental Protection Agency ("USEPA") issued a National Pollutant Discharge Elimination System ("NPDES") permit to allow the Tribe to discharge treated wastewater into a tributary of the Russian River from its new wastewater treatment facility. The County and AVA filed petitions for administrative review of the permit alleging concerns over potential environmental impacts. The Tribe contended that the permit was appropriately granted and is environmentally sound.

Outcome: The County and AVA challenge to the NPDES permit was settled by the 2008 MOA. The cost to the Tribe was substantial in both legal fees, and administrative costs even though the Tribe had spent \$4 million to construct a state-of-the-art wastewater treatment facility. The County and AVA demanded additional conditions on the permit requiring daily testing until the EPA itself initiated dropping the over-burdensome condition. Daily testing cost the Tribe over \$20,000 per year. The Tribe now has Treatment as a State status under the Clean Water Act for water quality purposes and has established its own water quality standards.

- 5) Dispute over the Gaming Facility's Potential Off-Reservation Impacts: Sonoma County disputed the Tribe's assessment and mitigation of the Gaming Facility's off-reservation environmental impacts that was completed in 2006. The County asserted that there would be significant off-reservation impacts of its existing and planned Rancheria gaming projects.

Outcome: The County required the Tribe to pay a \$75 million "mitigation fee" in the 2008 MOA, but the massive amount of debt that resulted from all the legal hurdles created by the County, was exacerbated by a Great Recession and the Tribe couldn't obtain additional funding to build the permanent structure. Then in 2013, the Federated Indians of Graton Rancheria built a casino that essentially cut off River Rock's San Francisco gaming patron market, causing casino revenues to crash by sixty to seventy (60-70) percent. Dry Creek Rancheria's gaming revenue never returned to its pre-Graton Casino revenue levels; however River Rock operates at 50% of the original revenue. The Tribe is still working to pay off the original debt that was exacerbated by all the litigation on many fronts from County opposition, however, the Tribe is close to making a final payoff of the original debt, which included the overpayment to the County for a casino project that was never built.

- 6) County Opposition to Tribe's Petaluma Fee-to-Trust Application: Faced with incredible hurdles and increasing debt, the Tribe sought to take the Petaluma property into trust for gaming purposes. While the Tribe never submitted a complete application, the County immediately began efforts to oppose the Tribe's fee-to-trust efforts.

Outcome: The Tribe withdrew its application to take the Petaluma parcels into trust for gaming purposes because of opposition by the County, the City of Petaluma and Graton Rancheria. We note that the Petaluma property is indeed located in the aboriginal territory of Graton Rancheria, and Dry Creek recognizes that Graton Rancheria has a voice in how that property is ultimately used.

The original 2008 MOA was a means for the Tribe to resolve litigation and other disputes that arose when the Tribe sought to build a permanent River Rock Casino on the Tribe's Indian Lands. The cost to the Tribe as a direct result of the County's opposition, (not including the MOA fees and costs for the DCR Fire station) is approximately \$152 million. MOA Fees and Fire Services totaled approximately \$34 million. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe, and the planned permanent resort and casino were never built.

THE 2008 MOA

The initial 2008 MOA established a process to identify and mitigate off-reservation environmental impacts that might occur during the construction of the new permanent casino and resort project. Unfortunately, the mitigation requirements were far-reaching and obligated the Tribe to submit to the County for approvals as mitigation occurred. Overall, the 2008 MOA was difficult to read and track the obligations of the Tribe vis-a-vis the County. This resulted in the need to amend the document repeatedly over the next ten years, which created an agreement that was even more difficult to track and know which provisions were in effect at a given time.

The 2008 MOA also included financial provisions that were unrealistic given the uncertainty of the development, but it provided a framework to settle all of the disputes that were levied against the Tribe by the County. Distilling down the financial terms, the Tribe agreed to pay the County \$75 million as a mitigation fee, spread out over a time period with triggers for set payments.

However, by 2015, the Tribe had not been able to obtain financing for the planned casino resort project due to the major economic downturn that began and continued from 2010 and beyond, and substantially negatively impacted the Casino's economic performance. In 2013, the opening of Graton Resort and Casino further stressed the Tribe's economic situation. In 2014, the Tribe defaulted on over \$150 million in bond indebtedness and on over \$50 million in remaining payments due to the County under the MOA, putting the Tribe in breach of the MOA.

The following list includes a summary of all letter agreements and MOA Amendments since 2008 that highlighted the need for a fully amended and restated MOA, which was finally achieved in February 2023 (“2023 MOA”). We include this information because it shows the amount of time, energy and cost that Dry Creek has had to exert in order provide an economic base for the Tribe and its citizens. For the purposes of the EA, this information provides a basis for Dry Creek’s assessment of the impact that the Koi Project will have on Dry Creek and its citizens.

- **May 28, 2010, May 23, 2011 and July 12, 2012 Letter Agreements:**

Due to a major economic downturn (“Great Recession”), which began shortly after completing the 2008 MOA, the Tribe lost the ability to finance construction of the planned Resort project. The Great Recession also substantially negatively impacted the Casino’s economic performance. The Letter Agreements modified the previously agreed mitigation payments to the County and confirmed the completion of certain obligations by the Tribe, including the establishment of a conservation easement on the Tribe’s Petaluma property.

- **2015 First Amendment to MOA**

In November 2013, the Federated Indians of Graton Rancheria opened Graton Casino and Resort in Rohnert Park, thirty-three (33) miles from River Rock Casino, and in a location that “cut off” River Rock Casino from much of its Bay Area customer base, which substantially reduced that Casino’s revenue. That unrealized revenue was never recovered. Also, the Tribe’s planned new casino and 600 room resort project was never initiated. Therefore, the Tribe initiated re-negotiation of the 2008 MOA to further adjust the mitigation payments due because of the Tribe defaulting in its financial obligations.

The County chose not to re-negotiate the 2008 MOA, but in September 2015 the County agreed to amend several provisions of the 2008 MOA. The Tribe and County agreed to amend specific provisions of the 2008 MOA that further restructured the original MOA’s financial terms, and made other changes. Importantly, the Tribe agreed to pay a \$4,200,000 payment to the County which would be considered a full payment and satisfaction of any and all payment amounts owed by the Tribe to the County as of November 1, 2015, under the MOA, including those payment amounts referred to in the letter agreements of May 2010, May 2011 and July 2012.

The County also agreed to reduce the mitigation payment to a base payment of \$750,000 with an escalator provision if the Tribe’s Annual Net Revenue increased at least 2% over the prior year.

- **2017 Second Amendment to the MOA**

In the Second Amendment to the 2008 MOA, the Tribe agreed to specific provisions regarding resolution of the Tribe’s petition for a conditional license from the CA Department of Alcoholic Beverage Control (“ABC”) and established certain new requirements for live outdoor entertainment events at the Casino.

- **2021 Third Amendment to the MOA**

In August 2020, due to COVID-19 pandemic impacts resulting in extended Casino operations closure, the County agreed to defer the Tribe's annual mitigation payments to the County for the years 2020 and 2021 and extend the term of the MOA for two years.

2023 AMENDED & RESTATED MOA

The Tribe and the County have participated in joint meetings over the course of many years to address potential off-Reservation impacts and possible additional mitigation measures that might be taken with respect to proposed economic development projects on the Reservation and other lands owned in fee by the Tribe. In February of 2023, Dry Creek and the County finally entered into an Amended and Restated MOA which simplified the relationship between Dry Creek and the County. After nearly two decades of struggle, Dry Creek is now finally positioned to replace the original, temporary sprung structure with a permanent structure for the casino and this Project is a major threat to that effort.

II. The EA Fails to Address the Impact of the Proposed Koi Casino on Dry Creek Rancheria and its Citizens.

The EA provides no analysis of the impact of the Project on the Dry Creek Rancheria tribal government and its citizens. As stated above, Dry Creek's River Rock Casino struggled against tremendous legal obstacles that were presented by the AVA and County which put the Tribe in a perilous financial position. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe over the course of ten years between 2005 and 2015. The addition of Graton Casino and Resort in the local market resulted in a loss of fifty (50) percent of River Rock's gaming revenue from the original numbers to this day. The combined impact of these factors, along with the Great Recession resulted in Dry Creek being stymied with nearly \$300 million in debt and as a result, the planned permanent resort and casino were never built.

It is important to note here that Graton Rancheria was restored to federal recognition in 2000 and although the initial restoration of lands to Graton Rancheria were to be located merely thirty-three (33) miles from the Dry Creek Rancheria, Dry Creek did not oppose the acquisition of Graton's restored lands. The primary reason for the lack of opposition by Dry Creek was that Graton was acquiring lands *within its aboriginal territory*. While the development and opening of Graton Casino and Resort resulted in a loss of 50% of River Rock Casino's revenue, it was something that Dry Creek could not challenge. However, the Koi Project will be located in between the Dry Creek Rancheria and Graton Rancheria, further cutting off an important local market and adding a 2750 machine casino less than twenty miles away from River Rock Casino, which operates fewer than 1,100 machines.

The only reference in the EA of the financial impact to Dry Creek is buried on page 69 of Appendix B, where a graph shows the estimated percentage impact that each regional gaming facility is expected to experience on their local market gaming revenue. The graph indicates that River Rock Casino would suffer the highest level of impact at an estimated 24.24% in reduced gaming revenue. This impact could not be sustained by River Rock Casino as it exists today.

Currently, River Rock Casino operates in what was supposed to be a temporary facility, on a slim margin to provide essential revenues to fund the tribal government and provide basic services to its Tribal Citizens. The approval of Koi's Sonoma County Site into trust for gaming would prevent Dry Creek from being able to finally fund a permanent casino and it would result in significant financial impact to the Tribe that cannot be mitigated. Moreover, as will be set forth below, tribal members have not yet achieved financial stability in a region that has an increasingly high cost of living.

There is not sufficient time or resources available to conduct our own study of the dramatic impact of a tribe from another region of the state building a massive casino and resort less than twenty miles away from Dry Creek Rancheria. However, we did obtain a Gaming Impact Analysis which indicated at least a 25% reduction of revenues from baseline if the Koi Project is approved. Based on the one figure on page 69 of Appendix B, it can be stated that the negative impact will be significant and life altering for Dry Creek and its citizens, with no way to mitigate that impact. We have only begun to assess the impact of the reduction in revenue; however, we will lose much of the ground that we have gained in the past 20 years in our attempt to become economically stable if the Koi Project is approved. However, the most severe impact will be the loss of our sovereignty and rights to protect our homelands and tribal cultural resources.

i. The BIA Failed to Consult with Dry Creek Pursuant to Section 106 and Failed to Require Dry Creek Tribal Cultural Monitoring During Trenching and Site Evaluation.

Even the Scoping Report to the EA failed to provide Dry Creek Rancheria the opportunity to assign cultural monitors to monitor site work that included trenching. The Archaeological Monitoring report, prepared by John W. Parker, states that "Rob Morgan (Koi Tribal Monitor) was also monitoring on behalf of the Tribe."⁵ Koi has no legal right to monitor trenching work on Dry Creek aboriginal land for a federal project. Koi has no right to monitor Dry Creek cultural sites.

Moreover, there has still not been a tribal consultation as required by the National Historic Preservation Act ("NHPA") Section 106 with Dry Creek on this project, despite BIA already sending notification to the State Historic Preservation Officer that Section 106 consultation has been completed, and the EA being published. In September 2022, after publication of the Scoping Report we sent a letter to the BIA requesting that the various field surveys and cultural reports be

⁵ Archaeological Monitoring of Soil Test Trenches on Parcel 004-021-08, Prepared by John W. Parker, April 28, 2022, at page 2.

shared with Dry Creek. In December 2022, we again requested consultation, requested information, and stated our preferences for the treatment of our tribal cultural resources. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H) and it was then that we discovered that cultural resources were subjected to destructive obsidian hydration testing without our knowledge, presence, or consent.

In July 2023 we again requested consultation and information and we were told that the material had been sent to Dry Creek, however, the Tribe had not received anything. We do not know where they sent the sensitive and confidential site information, because it was never received at our tribal office. At what point will the BIA pick up the phone or reach out to us as we recommend other agencies do when dealing with a matter as important as this? The lack of transparency and information sharing regarding the Koi Project has been abysmal and as a result, our tribal cultural resources have been negatively affected already. At the time of this letter, the BIA has failed to meet with Dry Creek despite repeated requests.

III. Koi Nation Cannot Demonstrate a Significant Historical Connection to the Sonoma County Site To Meet the Restored Lands Requirements Because its Aboriginal Lands are Located in Lake County.

On September 15, 2021, Koi applied to Interior to have the Sonoma County Site taken into trust for gaming purposes. The proposed gaming facility would reportedly include 2,500 class III gaming machines, a 200-room hotel, six restaurants and food service areas, a meeting center, and a spa.

In pursuit of its efforts, Koi intends to utilize the “restored lands” exception to the Indian Gaming Regulatory Act’s (“IGRA”) general prohibition on gaming on Indian lands, and on Sept 13, 2021, submitted a request for restored land decision from the Office of Indian Gaming (“Restored Land Request”). In 2019, Koi received a favorable judgment from the United States District Court for the District of Columbia which found that the Tribe satisfied one requirement of the “restored lands” exception—the federal government had “restored” the Tribe’s federal recognition in 2000. *Koi Nation of Northern California v. U.S. Dep’t of Interior*, 361 F. Supp. 3d 14, 46 (D.D.C. 2019). However, the Court’s determination did not mean that Koi can now conduct gaming on *any* site it chooses—the Tribe must still demonstrate that it has a “significant historical connection” to any proposed gaming site. 25 C.F.R. § 292.12(b). However, Koi cannot establish such a connection to the Sonoma County Site as required by IGRA’s implementing regulations.

A “significant historical connection” means “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” *Id.* at § 292.2. The Sonoma County Site is not within the boundaries of the Koi Nation’s last reservation, nor can the Tribe demonstrate that its villages, burial grounds, occupancy, or subsistence use traditionally occurred in the vicinity of the Sonoma

County Site. In addition, unratified treaty documents in California are full of errors and omissions that leave them fraught with discrepancy and subject to conflicting interpretations, whereas, traditional tribal territory areas are, today, well established. While Dry Creek shares family ties and thus ancestral ties with certain other Sonoma tribes, and thus those tribes have historical ties to the Sonoma County Site, it lies squarely within Dry Creek’s aboriginal territory. There is no more knowledgeable expert on the occupancy and use of the Sonoma County Site than Dry Creek Rancheria because it has a significant historical connection to the Site.

i. **Koi’s Tribal Territory is in Clear Lake, California and the EA Failed to Consider the Impact of the Koi Project on Sonoma County Tribes and Dry Creek Rancheria.**

As Koi itself recognizes, its aboriginal territory is near Clear Lake, upwards of fifty (50) miles northeast of the Sonoma County Site.⁶ If travelling by car, the distance is not an easy one to travel and it can take at least one hour and twenty minutes to travel from Clear Lake, California, the site of Koi’s original rancheria, to the Sonoma County Site. In 1916, the federal government established the Lower Lake Rancheria for the Tribe (then known as “Lower Lake Rancheria”) in Lake County, California within the Tribe’s aboriginal territory. Although the land was largely abandoned by Koi people and it was sold pursuant to Congressional authorization in 1956, the Lower Lake Rancheria is the Tribe’s “last reservation” for purposes of the “restored lands” exception. It is Dry Creek’s understanding that a municipal airport was planned for the site of the Lower Lake Rancheria when it was sold in 1956, but the airport was never built. Thus, there is no indication that existing development at the former rancheria site is an obstacle to Koi’s use of the former rancheria as a potential site for their proposed casino.

As stated above, because the Sonoma County Site is not within or near the boundaries of the former rancheria in Lake County, Koi cannot satisfy the “significant historical connection” requirement of the “restored lands” exception unless it has historical documentation of Koi’s occupancy or use of the lands as a Tribe. But there is no historical documentation that would adequately support such a claim. As mentioned above, the Sonoma County Site is within the boundaries of Dry Creek’s aboriginal territory and Koi has not historically occupied or used it. Dry Creek has occupied the Sonoma County Site lands and subsisted on the resources found there

⁶ See, *Koi Nation v. City of Clearlake*, Lake County Superior Court, Case No. CV 423786. California Attorney General Rob Bonta announced on October 20, 2023 that the Lake County Superior Court has granted the Department of Justice’s application to file an amicus brief in support of the Koi Nation of Northern California’s lawsuit against the City of Clearlake. The Koi Nation contends that the site of a proposed 75-room hotel — known as the Airport Hotel and 18th Avenue Extension in Clear Lake, California — contains Koi tribal cultural resources and that the city did not adequately conduct consultation with the Koi Nation or consider the project’s impacts on Koi tribal cultural resources, in violation of the California Environmental Quality Act’s (CEQA) tribal consultation requirements added by Assembly Bill 52 (AB 52). The Department of Justice’s amicus brief supports the Koi Nation’s position, providing information on the legislative history and intent of AB 52’s requirements.

since time immemorial. The tribal cultural material found during the archaeological investigation is evidence of Dry Creek's use and occupation of the Site.

Despite assertions to the contrary in the EA, tribal cultural resources were found at the Sonoma County Site. As stated above, the EA was published before Section 106 Consultation has even occurred with Dry Creek; however, the Tribe is culturally affiliated with the land and tribal cultural resources found there. If Native American human remains are discovered on the Sonoma County Site today, the Dry Creek Rancheria would be the Most Likely Descendant of such ancestors. No other tribe has a closer, more documented affiliation with the specific parcel, and the tribal cultural resources that were found on the Sonoma County Site are culturally affiliated with Dry Creek. The other Sonoma County tribes recognize this important point, however Koi has failed to do so.

Koi asserts that its modern tie to Sonoma County is due to individual tribal members moving to the town of Sebastopol. Sebastopol is nearly twenty miles from Windsor, and it is the aboriginal territory of Graton Rancheria. Koi cannot claim a "significant historical connection" with Sebastopol as defined in 25 C.F.R. § 292.2, only a *modern* connection. Only Graton Rancheria can claim a significant historical connection to Sebastopol, and that is why its initial reservation was located nearby (within five (5) miles) when it was restored to federal recognition in December of 2000.

If Koi can use a voluntary move by tribal members in the 1950's to establish the legal basis for restored lands, then the rules for taking land into trust have been expanded in a way that makes the exception the rule. "Restoration" would not require original land being "lost" and then "restored," but instead, it would allow tribes to relocate to better locations despite the lack of historical cultural connection, and despite the obvious impact to aboriginal tribes who already suffer from a lack of sufficient resources.

The Environmental Assessment fails to consider these larger policy issues and the tremendous cost and significant impacts to local tribes and specifically Dry Creek Rancheria. The EA includes one mention of the immediate impact of the Project on nearby tribes, which unlike Koi, are actually aboriginal tribes. The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as to the other aboriginal tribes. Merely having to focus finite and limited resources to review and analyze the EA without first having a determination that the lands qualify as restored lands under the IGRA is a significant impact to limited tribal resources. The only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a final decision on Koi's request for a restored lands opinion.

ii. **Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider Koi Building Its Project in Clear Lake.**

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible and meet the purpose and need for the proposed action.”⁷ While the EA acknowledges that Koi aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County.⁸ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites”⁹ but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that Koi could even purchase property in those unspecified alternate locations.¹⁰

The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public.¹¹ In fact, more space in the Scoping Report is devoted to Section 2.5- Alternatives Considered But Eliminated From Further Consideration, than any other topic in the Scoping Report, but none of the actual basis for the conclusions have been made publicly available, despite references to data being considered.

In Lake County there are currently four small tribal casinos. It is not “highly speculative” that a project in Lake County could fund a tribal government. A review of the reports on California Gambling Control Commission website reveals that out of 110 federally recognized Indian tribes in California, seventy-two (72) tribes are eligible for the Revenue Sharing Trust Fund (“RSTF”).¹² Out of those 72 tribes, twenty-six (26) operate a casino with less than 350 gaming devices. Those tribes operate a small gaming facility (some also have a hotel) and also receive \$1.1 million from the RSTF, and they are also eligible to receive payments from the Tribal Nations Grant Fund.¹³ Given the small size of the Koi citizenship (90 members), it is not “highly speculative” that a project in Lake County could fund a tribal government. At this point in the gaming industry however, tribes must consider all the factors before making a decision to initiate a gaming project. Dry Creek can speak directly to the difficulties in establishing a gaming project in Sonoma County.

⁷ 40 C.F.R. § 1508.1(z); See also, EA at 2025.

⁸ See EA at 1-2.

⁹ Scoping Report, at page 13.

¹⁰ *Id.*

¹¹ Scoping Report at 8, 12.

¹² The Revenue Sharing Trust Fund was established in the “1999 Compacts” and provides each tribe operating fewer than 350 gaming devices with a payment of up to \$1.1 million per year. See, http://www.cgcc.ca.gov/documents/Tribal/2023/List_of_RSTF_Eligible_Tribes_10-6-23.pdf

¹³ The Tribal Nations Grant fund was first established in the Graton Rancheria Tribal-State Gaming Compact, dated March 27, 2012, a copy of which may be found on www.cgcc.ca.gov.

The Scoping Report and the EA both appear to assume that if a restored tribe was originally located in an area with a limited gaming market, that the restored tribe may just choose a new reservation in a “better” gaming market and move there. This assumption is flawed, because the regulations specifically require a “significant historical connection.” 25 C.F.R. § 292.12(b).

The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

The median property value in Lake County is substantially lower than in Sonoma County.¹⁸ It is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic feasibility without providing any market data for that proposition. It is likewise not reasonable to eliminate a project site in Lake County due to technical or regulatory feasibility. There are available sites in Lake County that are well situated for tourism and large-scale development that could be taken into trust for Koi.¹⁹

¹⁴ Decision letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011) (“Guidiville Letter”).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Guidiville Letter at 14.

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁹ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmrvk5m6bu9vkmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmrvk5m6bu9vkmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

Regardless of what the EA states, the IGRA requires Koi to demonstrate a “significant historical connection” to the proposed site for it to be eligible for gaming. Given this requirement, the *most reasonable* location to study for a gaming acquisition under a restored lands analysis would be within Koi’s aboriginal territory. It is not reasonable for the EA to focus only on the Sonoma County Site because Koi cannot demonstrate a “significant historical connection” to the Sonoma County Site or Sonoma County, generally. The only way to reduce unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a decision on Koi’s request for a restored lands opinion.

IV. Misuse of the Restored Lands Process is Reservation Shopping and Should be Rejected by BIA Because it Creates Impacts to Aboriginal Tribes That Is not Properly Analyzed in the EA and Can’t Be Mitigated.

Dry Creek is concerned that Koi is reservation shopping—exploiting any minor connection to the Sonoma County Site because Koi (and its financial backer) believes it will make a larger profit from any gaming venture in Sonoma County than in its aboriginal territory. We ask that Interior reject Koi’s proposal which could set a dangerous precedent for gaming tribes in California. When California voters authorized exclusive tribal class III gaming through propositions 5 and 1A in 1998 and 1999, they did so on the condition that tribal gaming would be limited to then-existing reservations.²⁰ Every proposed casino that is outside of a tribe’s aboriginal territory does an about-face of the promises that tribes made to the voters. California is nothing like Oklahoma, which has a very different history. The California electorate has time and again rejected off-reservation gaming and Koi’s Project has already been met with furious backlash from the local and state-wide community.²¹ Ultimately, Koi’s Project not only threatens the sovereignty of Sonoma County tribes, but it threatens tribal exclusivity in the California gaming market, endangering the continuing prosperity of all California gaming tribes.

Koi has a well-documented history of attempted reservation shopping, and this iteration is strikingly similar to past efforts by Koi. They have again partnered with an out-of-state developer, the Chickasaw Nation,²² except that instead of seeking to enter the Bay Area market, (within the aboriginal territory of unrecognized California tribes), they seek to select a site in the middle of the aboriginal territory of five recognized tribes.

²⁰ https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2163&context=ca_ballot_props.

²¹ All five federally recognized Sonoma County tribes have approved a resolution opposing the Koi Nation project. The project is also opposed by the County Board of Supervisors, the City of Windsor, Senator Mike McGuire, Assemblyman Bill Dodd, Congressman Mike Thompson, Senator Alex Padilla and former Senator Diane Feinstein.

²² The Chickasaw Nation is a very large tribe that owns twenty-three (23) casinos in Oklahoma. It is a commercially successful tribe, with at least 200 business ventures. Its long list of gaming establishments include WinStar World Casino and Resort in Thackerville, Oklahoma, which the tribe bills as the *largest casino in the world*. See, <https://www.pressdemocrat.com/article/news/koi-partnering-with-chickasaw-nation-on-shiloh-casino/>

i. Koi's Original Plan to Build a Casino, Resort and Spa in Oakland.

This proposed gaming acquisition is not the first for Koi Nation, which is evidence of its blatant effort to “reservation shop”. In 2005, Koi officially announced its plans to build a “world-class” tribal government gaming facility, resort and spa near the Oakland International Airport.²³ The Tribe's Crystal Bay Casino, Resort & Spa project was said to create an estimated 4,440 new jobs, 2,200 directly, annual payroll approaching \$80 million and \$1 billion in overall annual economic activity for the local area. The Tribe also began talks with the city to explore potential benefits the project could bring to the local economy. Discussions included a proposal for annual payments from the Tribe to mitigate impacts to city services, including funding for additional police and fire protection, reimbursement for lost property taxes and parking tax revenue, and road and traffic improvements. The proposal was funded by Florida real estate developer Alan Ginsburg. Facing incredible community opposition, the Tribe dropped its plans.

ii. Koi Tries its Luck on Another Site in Vallejo.

Rather than taking the lesson that could be learned from the battle over taking land into trust for gaming in Oakland to heart, and looking at possible gaming sites in the Clear Lake area, Koi was one of eight applicants for the development of a site in Vallejo, California in 2014.²⁴ The Tribe partnered with developer Cordish Company for a proposed \$850 million project, promising to pay the city between \$10 million and \$20 million a year, along with generating thousands of jobs. Cordish is a development company based in Baltimore, Maryland, and whose focus is mixed-use entertainment districts. In January 2015, after considerable controversy, the Vallejo City Council voted to reject all gambling proposals and to concentrate solely on industrial proposals for the site.

iii. The Koi Nation Project Could Harm Tribal Exclusivity by Evading Limitations on Off-Reservation Gaming Approved by California Voters.

Californians legalized certain tribal class III gaming through referenda in 1998 and 1999. In doing so, California voters were promised that all Indian gaming would be “strictly limit[ed]” to tribal land and “[t]he claim that casinos could be built anywhere is totally false.”²⁵ In assuring voters that the passage of Propositions 5 and 1A would not result in massive increases in slot machines across the State, proponents stated “[t]he majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines.”²⁶ Both

²³ Material in this section is found on the Koi Nation Wikipedia page, https://en.wikipedia.org/wiki/Koi_Nation. The Page includes links to many news articles that tell the story of Koi's attempts to take lands into trust that are well outside of the Tribe's ancestral territory and were all rejected by local governments and voters.

²⁴ *Id.*

²⁵ State of California, Office of the Attorney General, Official Title and Summary Prepared by the Attorney General, Gambling on Tribal Lands, Legislative Constitutional Amendment, Rebuttal to Argument Against Proposition 1A, at 7.

²⁶ *Id.*

propositions passed with overwhelming support—almost two-thirds of voters were persuaded to grant Indian tribes exclusivity over class III gaming in the State.

The impact of the voters' decisions has been striking—the growth of Indian gaming in California over the past two decades has helped to lift many tribes and tribal members out of poverty, fostered educational and employment opportunities, and fast-tracked non-gaming economic development. Non-gaming and limited gaming tribes even receive funds from more prosperous tribes who have better gaming locations. But the continued prosperity of California gaming tribes is not guaranteed. If California voters become disillusioned with tribal gaming as a result of reservation shopping, all tribes stand to lose their exclusivity and the benefits realized in the last two decades.

In fact, this is an issue still on the forefront of many voters' minds. As recently as 2014, the voters handily rejected a proposal by the North Fork Tribe to conduct off-reservation gaming, rejecting the compact Governor Brown had negotiated with North Fork and nullifying the Governor's concurrence in the two-part determination that would allow such gaming.²⁷ Just last year, two sports betting initiatives that were the most expensive in California history, and would have included California tribes, received record low support by California voters—one, Proposition 27, had the lowest vote of support in California history.²⁸

The unanimous opposition to the Koi Project in the tribal and local community is consistent with that statewide view. The Koi Project is the antithesis of what the voters agreed to—the Sonoma County Site is not just outside of Koi's aboriginal territory, it is planned at a highly-visible location which has already drawn much attention and public outcry.²⁹ Koi's project would break the promises made by tribes statewide during the campaigns for Propositions 5 and 1A and could ultimately be a tipping point that results in a loss of exclusivity for tribal gaming in California. The Koi project could shift the delicate balance that exists in the legislature and with the voters, which is already challenging with the increasing threat of non-tribal cardroom operations that seek to expand with new locations and new games.

Because the application seeks to shift the rules for taking land into trust, the EA should consider the negative impact on all tribes that would be called to commit significant resources to protect tribal exclusivity and aboriginal territory. The EA fails to consider these larger policy issues and the tremendous cost and impact to local tribes and perhaps even tribes across the entire state that would result from the Project. The EA focuses on the immediate financial impact of the Project on nearby tribal casinos, however there is no analysis of the impact of the reduction of such revenues to the tribal governments and their citizens.

The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as

²⁷ See *Stand Up for California! v. State of California*, No. F069302, 2021 WL 1933336 (May 13, 2021).

²⁸ See <https://www.nbclosangeles.com/news/local/prop-26-27-california-sports-betting-gambling-fail/3029890/>.

²⁹ See *supra* note 21.

to the other aboriginal tribes because of the drain on finite and limited resources that is necessitated by the publication of an EA without first having a determination that the lands qualify as restored lands under the IGRA. Again, the only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA until there is a final decision on Koi's request for a restored lands opinion.

V. The Sonoma County Site Does Not Qualify as Restored Lands for Koi Nation Under the Indian Gaming Regulatory Act Because It Is Located in Dry Creek's Aboriginal Territory.

IGRA prohibits gaming on lands acquired after 1988 except under certain circumstances. Specifically, Section 20(a) of IGRA provides that if lands are acquired in trust after October 17, 1988, the lands may not be used for gaming, unless one of the following statutory exceptions applies:

- (1) The lands are located within or contiguous to the boundaries of the tribe's reservation as it existed on October 17, 1988;
- (2) The tribe has no reservation on October 17, 1988, and "the lands are located...within the Indian tribe's last recognized reservation within the state or states where the tribe is presently located;"
- (3) The "lands are taken into trust as part of: (i) the settlement of a land claim; (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process; or (iii) the restoration of lands for an Indian tribe that is restored to Federal recognition. . . ."

Under the "restored lands exception," found in IGRA Section 20(b)(1)(B)(iii) (25 U.S.C. § 2719(b)(1)(B)(iii)), a tribe must first document that it has been "restored"— meaning that it had federal recognition, lost it, and then regained recognition. It then must document that the land it wants to use for gaming is on a site that constitutes a restoration of land to the tribe. The notion of "restoration" of lands means that the land has been returned to tribal ownership and control and that it lies within the historic tribal occupancy area. The "restored land" provision is poorly understood and has frequently compelled tribes to file briefs and reports with the National Indian Gaming Commission ("NIGC") or to litigate to get the facts confirming its eligibility under the restored lands exception into a forum to prove its case and secure trust status of lands for gaming. In analyzing whether lands have been "restored," the NIGC examines whether the "land acquisition in some way restores to the Tribe what it previously had."³⁰

When the BIA has evaluated this issue, it has analyzed historical tribal ties to the lands to determine if the proposed gaming site is within a tribe's aboriginal territory. In testimony regarding

³⁰ U.S. Dep't of the Interior, Office of the Solicitor, Memorandum: Elk Valley Indian Lands Determination, at 7 (July 13, 2007).

off-reservation gaming and newly restored lands, then-Principal Deputy Secretary Aurene Martin stated:

For instance, to qualify under the “initial reservation” exception, the Department requires that the tribe have strong geographical, historical and traditional ties to the land. To qualify under the “restoration of lands” exception, the Department requires that either the land is either made available to a restored tribe as part of its restoration legislation or that there exist strong historical, geographical, and temporal indicia between the land and the restoration of the tribe. The Department’s definition of restored land has been guided by fairly recent federal court decisions in Michigan, California, and Oregon.³¹

While Koi has outwardly advocated that it has a connection to the Sonoma County Site, it cannot make an adequate legal claim to aboriginal title or restored lands for the Sonoma County Site because the land is accepted by all Sonoma County tribes as being the aboriginal land of the Dry Creek Rancheria. The Sonoma County Site is located well *outside* of the Koi’s aboriginal area and *within* the aboriginal area of several other tribes, but primarily Dry Creek. Consequently, the land cannot be *restored* to Koi when it is the territory of another tribe.

VI. The EA Does Not Adequately Address the Potential Environmental Impacts That Will Be Caused by the Koi Project and an EIS Must Be Prepared.

The Project proposes an action with two parts: (1) the acquisition by the federal government of approximately 86 acres of land in Santa Rosa, California (the “Shiloh parcel”) in trust for the benefit of the Lower Lake Koi Nation as restored lands, and (2) establish its economic lands base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

We believe that the Environmental Assessment is deficient because the BIA failed to examine and analyze reasonable alternatives to the Project by determining that an EIS is not required for a massive project such as this, which is proposed in an area with existing traffic congestion and in conflict with surrounding land uses. Moreover, this Project’s environmental review process has moved faster than most other similar projects have in the past, which is extremely concerning to Dry Creek, because the scoping began during a worldwide pandemic that severely impacted our Tribe’s ability to allocate resources to track the process and properly evaluate the impacts that the Project will have on our Tribe, and the surrounding community.

As stated previously, the Project would be detrimental to Dry Creek, as Dry Creek’s governmental functions and/or services will be directly, immediately and significantly impacted by the proposed gaming establishment and the EA did not include an analysis of locating a site in

³¹ Testimony of Aurene M. Martin Principal Deputy Assistant Secretary – Indian Affairs, Department of the Interior, at the Oversight Hearing Before the Committee on Resources, U.S. House of Representatives Concerning Gaming on Off-Reservation, Restored and Newly-Acquired Lands, July 13, 2004

or near Clear Lake, or even within Lake County, closer to the lands that Koi has a significant cultural relationship to.

We believe that failing to prepare an Environmental Impact Statement would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent's preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet.³² There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising 268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces and comprising 1,689,380 square feet.³³ Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station.³⁴ The total square footage of ground disturbance will *exceed 2.4 million square feet*.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.”³⁵ However, there is no doubt that a project of this scale will have a significant impact on the quality of the human environment. The BIA practice, up to this point, has been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this scale.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe's trust acquisition for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.³⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.³⁷

Two other recent examples include the BIA's preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria project involved the construction of a 608,756 square foot Class III gaming facility (similar in

³² EA Sec. 2.1.2.

³³ EA Sec. 2.1.2.

³⁴ EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C.

³⁵ Scoping Report at 26.

³⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

³⁷ *Id.* At 2-1,

size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).³⁸

In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.³⁹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is comparable with the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Ultimately, we believe that it is arbitrary and capricious and an abuse of discretion for the BIA to rely on an EA for this Project.⁴⁰ However, we also believe that the BIA must withdraw the EA and first consider Koi's request for an Indian lands opinion before doing any further NEPA analysis for the Project.

VII. Comments Regarding the Environmental Impacts to Dry Creek Homelands That Will Result from the Project.

The following list provides our comments on other aspects of the EA that are concerning to Dry Creek, however, we wish to note that we requested an additional sixty days so that we could properly analyze the EA, however the BIA only granted a 15-day extension for our comments. That was not sufficient for us to prepare the detailed comments that we had hoped to make here.

1. Water

Sonoma County is currently facing dramatic water shortages that are drought-related, but also systemic. Dry Creek often faces curtailment orders (along with other Alexander Valley vineyards) and it is vital that the basin be protected from overdraft of the water table. The EA does not analyze the implications of increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge that the Project would create. To make matters work, none of the mitigation measures address impacts to groundwater. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

³⁸ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

³⁹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013).

⁴⁰ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), *aff'd sub nom. Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

2. Air Quality/Greenhouse Gases

The Koi Project will cause increased air emissions within the area due to traffic and congestion created by the location of the Sonoma County Site. Additional greenhouse gases will be emitted for patrons, employees and in the operation of the facility. The Project will contribute to a cumulative impact to impaired air quality, as the Shiloh site is located in a non-attainment area subject to significant traffic congestion. The EA does not specifically address the potential cumulative health impacts that occur from combined Project emissions and increased traffic emissions from roadways and the nearby freeway, and other industrial uses in the vicinity. A more detailed examination of the potential for cumulatively significant air impacts in the region is needed to make an informed decision regarding the proposed project. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

3. Biological Resource

The EA identifies Pruitt Creek, which bisects the site, is “designated as critical habitat (pursuant to the federal Endangered Species Act), designated as essential fish habitat (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act), and provides potential habitat for several federally listed salmonids”. Given that an NPDES permit is necessary for the Koi Project, which will discharge into critical habitat, there should be an EIS level analysis for the Koi Project. The failure to require an EIS indicates a lack of diligence on the part of the BIA for this undertaking.

4. Cultural Resources

Despite the fact that the Shiloh site is has been previously impacted by some development, it is nonetheless within the aboriginal territory of the Dry Creek Mihilakawna and Makahmo Pomo people, as well as neighboring Sonoma County tribes. The site contains tribal cultural resources important to the Dry Creek people. Preparation of an EIS would provide for a scoping process that would allow us to gain more information in order to properly assess the potential impact of the Proposed Project on our tribal cultural resources.

As stated above, tribal consultation under Section 106 has not yet occurred, despite the EA already being published. Even if we had the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet.⁴¹ Further, the proposed wastewater collection system involves installing a gravity sewer main *underneath* the existing creek.⁴² Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated

⁴¹ See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area.

⁴² See EA Sec. 2.1.4.

effluent until it can be used.⁴³ Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall.⁴⁴ These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction.

Moreover, the design seems to contradict conclusions drawn by the project proponent's archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet.⁴⁵ Up to 700 feet of ground disturbance is certainly distinguishable from four feet of ground disturbance.

In addition to the failed consultation with local aboriginal tribes, the EA Section 3.6 provides misleading information. Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and "[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties."⁴⁶ This assertion is misleading—likely to preserve the narrative that Koi is significantly and historically connected with the area—and without any academic or ethnographic support. Nowhere does the EA state that the Sonoma County Site lies within the territory of Dry Creek.

Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan speaking peoples in Sonoma County, the EA cites only to the historic property survey report generated for this Project by Koi's own archaeological consultant, John Parker.⁴⁷ This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴⁸ Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Pomo speakers did not replace earlier inhabitants. Instead, Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement. This conclusion is consistent with Dry Creek oral tradition, which must be given great weight under DOI's Tribal Ecological Knowledge Policy.

⁴³ *Id.*

⁴⁴ See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8.

⁴⁵ See confidential Appendix H-1 at 4.

⁴⁶ EA at 3-53.

⁴⁷ EA at 3-53, citing Appendix H-1.

⁴⁸ Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

Additionally, under the heading “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Although this subsection notes that Graton Rancheria believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with Graton or any of the local tribe to discuss these issues.

In order for the impact analysis to be complete for the Project, the APE should be developed in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary.⁴⁹ Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by Koi, however the EA does not specify the exact locations of such extensions and infrastructure improvements. Since some of that work will be conducted off-site, Dry Creek tribal cultural monitors should be required for all such work as required by AB 52. For these reasons, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done, and appropriate tribal cultural monitoring agreements should be required.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification a of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the *How to Apply the National Register Criteria for Evaluation* published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources.

Not surprisingly, because the EA lacks any input from the culturally affiliated tribes, the evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. The EA’s description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is also misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as

⁴⁹ EA at 4-9.

obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching.⁵⁰

These important issues and questions should not be left to the public comment period of the EA, these cultural concerns should be discussed in a meaningful and respectful way with a respect for confidentiality of the site information. In fact, *too* much tribal cultural resource information is revealed in the EA, an apparent effort to make the EA appear to be thorough, but if Section 106 consultation had occurred, Dry Creek would not want to have such detail disclosed to the public in the EA.

However, Koi and BIA have run roughshod over the Section 106 process. The irony of this is not lost on us given the fact that Koi has filed a lawsuit against the city of Clear Lake alleging the lack of meaningful consultation on a project that would impact Koi cultural resources. Koi was so concerned about the lack of meaningful consultation that they obtained an amicus brief from the California Attorney General, but in the case of Dry Creek, Kashia and Graton, requests for consultation have gone unanswered.⁵¹

Despite the lack of any tribal consultation, in Section 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁵² As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of, and impact, to tribal cultural resources.

The State Historic Preservation Officer has not concurred with the BIA’s determination of no adverse effects, a fact the draft EA neglects to mention. But the SHPO is correct in the withholding of concurrence because no tribal consultation has occurred. Further, the EA’s conclusion of no adverse effects under the NHPA is undermined by the EA’s simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.”⁵³ This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

⁵⁰ See confidential Appendix H-2 at 11.

⁵¹ EA at 3-53.

⁵² The BIA makes this same conclusion for alternative project designs. See, EA at 3.6.3.4 and 3.6.3.5.

⁵³ EA at 3-56.

i. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed.⁵⁴ The section's ethnographic overview acknowledges the Project site is in Southern Pomo aboriginal territory, yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including Dry Creek. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be

Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the Southern Pomo tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project

⁵⁴ *Id.*

proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, providing us no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. To add insult to injury, the project proponent *is* guaranteed a voice in this process, merely because they are another Indian tribe.

Mitigation Measure B also fails to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁵⁵ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁵⁶

Lastly, Mitigation Measure B fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs. None of that has happened despite ground disturbance already occurring without tribal consultation.

Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands, but does apply to the land as it is now in fee status. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal

⁵⁵ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁵⁶ 16 U.S.C. §§ 470aa-470hh; *See also* 43 C.F.R. § 7.4.

descendants of a deceased Native American individual who has been *identified*.⁵⁷ In contrast, the “Most Likely Descendant” procedures under California state law are a separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁵⁸ Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: if the land is accepted into trust, Koi will be afforded superior rights to Dry Creek and other Southern Pomo tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. By establishing trust land in Southern Pomo territory, the BIA would grant Koi custodial priority of human remains or objects are found on our lands. We cannot imagine it was Congress’ intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA’s decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public, and it allowed inappropriate public disclosure of tribal cultural resources. As detailed above, there are substantial questions regarding the adequacy of the BIA’s evaluation of cultural resources, the significance of the project’s impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

5. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a “high” risk of wildfire.⁵⁹ Indeed, the Project site is situated *within a half mile* of the burn perimeter of *both* the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of

⁵⁷ See 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁵⁸ See California Public Resources Code § 5097.98.

⁵⁹ EA at Fig. 3.12-2.

California history.⁶⁰ Despite the significant risk to human safety inherent in operating such a large casino facility in such a high- risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant.⁶¹ But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services."⁶² No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi to "make good faith efforts" to execute such an agreement.⁶³ Recognizing that Koi has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if Koi does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site.⁶⁴ But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

6. Socioeconomics/Environmental Justice

The EA focuses on the fact that the Lower Lake Koi Nation owns the one home that is on the site, however it has only owned the property for a brief period of time. The area could have been the site for future homes, particularly since the area is facing a critical housing crisis since several fires severely impacted the already limited housing that is available to families in Sonoma County. Ultimately, the Dry Creek Rancheria is a tribe with a significant tribal population in

⁶⁰ EA at 3-109, Fig. 3.12-2.

⁶¹ EA at 3-89.

⁶² Appx. O, emphasis added.

⁶³ EA at 4-8.

⁶⁴ *Id.*

Sonoma County (as are the other six Sonoma County tribes). Our tribal members are in desperate need of housing and this Proposed Project will only hurt our tribal member families. We have a significant amount of information that shows over 75% of our Tribe are considered low income for Sonoma County.

We have been working, at considerable time and expense to provide housing for our membership, however the number of affordable homes in Sonoma County is not able to meet the needs of our citizens, approximately 700 of which live in Sonoma County. An EIS is the appropriate level of study for this reason.

I. CONCLUSION

The Tribe appreciates the opportunity to submit this public comment and looks forward to meeting with the BIA to address our concerns. In the spirit of that commitment, we request a meeting with BIA to discuss our concerns since we were not given the opportunity to participate in a public scoping meeting for a more appropriate EIS. Thank you for considering our comments. If you have any questions about this letter, please contact Michelle Lee, at (916) 809-8900 or michelle@thecirclelaw.com.

Sincerely,



Chris Wright, Chairman
DRY CREEK RANCHERIA BAND OF POMO INDIANS



**DRY CREEK RANCHERIA
BAND OF POMO INDIANS**

Sent via email to : Chad.Broussard@bia.gov

November 13, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Chad Broussard
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

**Re: Dry Creek Rancheria Comment to Shiloh Resort and Casino Project
Environmental Assessment**

Dear Director Dutschke:

The Dry Creek Rancheria Band of Pomo Indians, California ("Dry Creek"), is a federally recognized Indian tribe with aboriginal homelands and reservation located in what is now called Sonoma County, California. For the past two years, Dry Creek has expressed its opposition to the Koi Nation's application to the United States Department of the Interior ("Interior") to acquire sixty-eight (68) acres of land in trust for a casino and resort (the "Sonoma County Site" and "Project"). The Sonoma County Site is located in unincorporated Sonoma County ("County"), adjacent to the City of Windsor ("City"), which is approximately fifty (50) miles from the Koi Nation's ancestral territory which is in a different county. I am writing to express our opposition to the trust acquisition for the Koi Nation ("Koi" or "Tribe") in Dry Creek ancestral territory, which will have severe impacts on the community and specifically Dry Creek Rancheria and our tribal members. This letter also sets out our comments to the Environmental Assessment ("EA") published in September 2023.

**I. Background Regarding the Dry Creek Rancheria's Struggle to Develop an
Economic Base to Provide for the Tribal Government and Citizens.**

The Dry Creek Rancheria is comprised of Southern Pomo and Western Wappo people from the region that includes the Sonoma County Site. Dry Creek Rancheria is located a mere nineteen (19) miles from the Sonoma County Site. Dry Creek currently has 1,337 tribal members and 50%

of those tribal members live in Sonoma County. Official recognition of the Tribe as a sovereign nation occurred in 1915, when the federal government created the Dry Creek Rancheria and named the Tribe the Dry Creek Rancheria Band of Pomo Indians. The Rancheria occupies 75 steep acres between Healdsburg and Geyserville off Highway 128 -- a sliver of the Tribe's historic land.

Like Koi's original rancheria, the Dry Creek Rancheria is rocky, lacked infrastructure and is very challenging to build on. However, Dry Creek members held onto the land and have struggled to develop infrastructure to support tribal government functions and its primary economic development enterprise, the River Rock Casino. That struggle frames the Tribe's primary objections to the Koi project and is outlined here to establish the foundation for these comments.

The Tribe opened River Rock Casino on its tribal trust lands in September of 2002. Soon thereafter, a lawsuit was filed by the owner of an adjacent fee parcel, Terrence Proschold, against the United States.¹ The lawsuit contended that an easement purchased by the United States to provide access to the Dry Creek Rancheria from Highway 128 was limited to residential purposes, and therefore use of the easement by gaming patrons was prohibited. Without the easement, the Rancheria would be landlocked, and the Tribe would not be able to operate River Rock Casino.

The United States asserted that the easement was held in trust for the benefit of the Dry Creek Rancheria, and that it was immune from suit under the Quiet Title Act, 28 U.S.C. § 2409a. Although the Quiet Title Act waives sovereign immunity for title disputes involving real property in which the government claims an interest, it expressly reserves sovereign immunity in disputes involving lands held in trust for Indian tribes. Because the United States elected to assert sovereign immunity, the court lacked subject matter jurisdiction to hear the case, and thus the action was dismissed.²

One important aspect of tribal sovereignty is that tribal trust lands are exempt from local land use laws.³ As a result, Dry Creek Rancheria maintains the inherent right to develop lands held in trust by the federal government without regard to local land use regulations, such as a County General Plan, and the County lacks regulatory jurisdiction over the Tribe's Indian lands.⁴ Unfortunately, for many years, the County and a group of neighbors called the Alexander Valley Association ("AVA") continued to challenge the Tribe's rights to govern itself and to operate a gaming facility pursuant to the IGRA, and they challenged every permit or approval that was needed for the casino facility to operate.

In 2008, the Tribe entered into a Memorandum of Agreement with the County to resolve many legal disputes. At that time, the Tribe and the County were in dispute over several topics that

¹ *Proschold v. United States*, 90 F. App'x. 516 (9th Cir. 2004); 2004 WL 324717 (9th Cir.(Cal.).

² *Id.* at 518.

³ *Santa Rosa Band of Indians v. Kings County*, 532 F.2d 655 (9th Cir. 1975), cert. denied, 429 U.S. 1038, 97 S.Ct. 731, 50 L.Ed.2d 748 (1977) (claims based on county zoning regulation of Indian lands).

⁴ Sonoma County sought to enforce its fire codes on the Dry Creek Rancheria, but the District Court and the 9th Circuit held that Sonoma County fire codes were not enforceable by the County on the Rancheria. Unpublished decision, *In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*.

made it extremely difficult for the Tribe to move forward with its plans to operate the River Rock Casino on its Indian lands.

The following list provides a brief description of each legal dispute that was pending and settled by the 2008 MOA:

- 1) The Tribe's Alcohol License: (*In the Matter of the Protest of Sheriff Bill Cogbill, et al. Against the Person to Person and Premises to Premises Transfer of a General Public Eating Place Alcohol License*); The County Sheriff, Fire Chief, Board of Supervisors and the Alexander Valley Association each protested to the Department of Alcoholic Beverage Control ("ABC") that the River Rock Casino should not be granted a liquor license. The Tribe contended that it was qualified to obtain the license as a venue in the wine country.

Outcome: The Tribe's ABC License was ultimately issued because of the 2008 MOA and is currently in effect. There is no current dispute regarding the ABC License. Over-reaching restrictions in the earlier ABC License have recently been lifted.

- 2) County Appeal of the Approval of Fee-to-Trust Application for Contiguous Lands: (*California Department of Conservation, et al. v. Acting Pacific Regional Director, Bureau of Indian Affairs*); The State of California, Sonoma County and AVA each appealed a final decision of the BIA decision to take 18 acres of land (the "Dugan Property"), contiguous to the Rancheria, into trust for the Tribe. The County was the primary instigator of the appeal.

Outcome: The land was taken into trust in 2010 and there are no disputes pending or expected regarding the status of the Tribe's trust land. The Tribe was forced to purchase "like-for-like" exchange property to off-set the County's allegation that the Williamson Act was being violated by the trust acquisition. The Tribe had to purchase the Petaluma property for \$12,474,400, which was an exorbitant price because it was one of only a few properties available that would meet the criteria for land exchange under the Williamson Act. The purpose of the Dugan Property acquisition was to enable the Tribe to build an emergency access road (that was demanded by the County Fire Chief in the litigation described below) and to construct a fire station and tribal offices.

The BIA later changed its position and found that it could in fact take the land into trust as long as the Williamson Act contracts were simply non-renewed, but the Tribe had already been forced to buy the Petaluma property to formally cancel the Williamson Act contract with the like-for-like exchange in order for the land to go into trust as agreed in the 2008 MOA.

- 3) Fire Safety Inspections Authority Litigation: (*In the Matter of the Sonoma County Fire Chief's Application for Inspection Warrant*); The County Fire Chief sought a state civil administrative inspection warrant for the Rancheria. In February 2007, the United States District Court for the Northern District of California determined that the County

did not have fire code enforcement jurisdiction on the Reservation and the Ninth Circuit Court of Appeals, in a final judgment, affirmed the District Court's determination.

Outcome: The County Fire Chief's attempt to assert jurisdiction over the Tribe's property was improper under the law but cost the Tribe hundreds of thousands of dollars to defend its rights.

- 4) Appeal of NPDES Permit for Wastewater Discharge: (*In re: Dry Creek Rancheria NPDES Permit*); On April 30, 2007, the United States Environmental Protection Agency ("USEPA") issued a National Pollutant Discharge Elimination System ("NPDES") permit to allow the Tribe to discharge treated wastewater into a tributary of the Russian River from its new wastewater treatment facility. The County and AVA filed petitions for administrative review of the permit alleging concerns over potential environmental impacts. The Tribe contended that the permit was appropriately granted and is environmentally sound.

Outcome: The County and AVA challenge to the NPDES permit was settled by the 2008 MOA. The cost to the Tribe was substantial in both legal fees, and administrative costs even though the Tribe had spent \$4 million to construct a state-of-the-art wastewater treatment facility. The County and AVA demanded additional conditions on the permit requiring daily testing until the EPA itself initiated dropping the over-burdensome condition. Daily testing cost the Tribe over \$20,000 per year. The Tribe now has Treatment as a State status under the Clean Water Act for water quality purposes and has established its own water quality standards.

- 5) Dispute over the Gaming Facility's Potential Off-Reservation Impacts: Sonoma County disputed the Tribe's assessment and mitigation of the Gaming Facility's off-reservation environmental impacts that was completed in 2006. The County asserted that there would be significant off-reservation impacts of its existing and planned Rancheria gaming projects.

Outcome: The County required the Tribe to pay a \$75 million "mitigation fee" in the 2008 MOA, but the massive amount of debt that resulted from all the legal hurdles created by the County, was exacerbated by a Great Recession and the Tribe couldn't obtain additional funding to build the permanent structure. Then in 2013, the Federated Indians of Graton Rancheria built a casino that essentially cut off River Rock's San Francisco gaming patron market, causing casino revenues to crash by sixty to seventy (60-70) percent. Dry Creek Rancheria's gaming revenue never returned to its pre-Graton Casino revenue levels; however River Rock operates at 50% of the original revenue. The Tribe is still working to pay off the original debt that was exacerbated by all the litigation on many fronts from County opposition, however, the Tribe is close to making a final payoff of the original debt, which included the overpayment to the County for a casino project that was never built.

- 6) County Opposition to Tribe's Petaluma Fee-to-Trust Application: Faced with incredible hurdles and increasing debt, the Tribe sought to take the Petaluma property into trust for gaming purposes. While the Tribe never submitted a complete application, the County immediately began efforts to oppose the Tribe's fee-to-trust efforts.

Outcome: The Tribe withdrew its application to take the Petaluma parcels into trust for gaming purposes because of opposition by the County, the City of Petaluma and Graton Rancheria. We note that the Petaluma property is indeed located in the aboriginal territory of Graton Rancheria, and Dry Creek recognizes that Graton Rancheria has a voice in how that property is ultimately used.

The original 2008 MOA was a means for the Tribe to resolve litigation and other disputes that arose when the Tribe sought to build a permanent River Rock Casino on the Tribe's Indian Lands. The cost to the Tribe as a direct result of the County's opposition, (not including the MOA fees and costs for the DCR Fire station) is approximately \$152 million. MOA Fees and Fire Services totaled approximately \$34 million. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe, and the planned permanent resort and casino were never built.

THE 2008 MOA

The initial 2008 MOA established a process to identify and mitigate off-reservation environmental impacts that might occur during the construction of the new permanent casino and resort project. Unfortunately, the mitigation requirements were far-reaching and obligated the Tribe to submit to the County for approvals as mitigation occurred. Overall, the 2008 MOA was difficult to read and track the obligations of the Tribe vis-a-vis the County. This resulted in the need to amend the document repeatedly over the next ten years, which created an agreement that was even more difficult to track and know which provisions were in effect at a given time.

The 2008 MOA also included financial provisions that were unrealistic given the uncertainty of the development, but it provided a framework to settle all of the disputes that were levied against the Tribe by the County. Distilling down the financial terms, the Tribe agreed to pay the County \$75 million as a mitigation fee, spread out over a time period with triggers for set payments.

However, by 2015, the Tribe had not been able to obtain financing for the planned casino resort project due to the major economic downturn that began and continued from 2010 and beyond, and substantially negatively impacted the Casino's economic performance. In 2013, the opening of Graton Resort and Casino further stressed the Tribe's economic situation. In 2014, the Tribe defaulted on over \$150 million in bond indebtedness and on over \$50 million in remaining payments due to the County under the MOA, putting the Tribe in breach of the MOA.

The following list includes a summary of all letter agreements and MOA Amendments since 2008 that highlighted the need for a fully amended and restated MOA, which was finally achieved in February 2023 (“2023 MOA”). We include this information because it shows the amount of time, energy and cost that Dry Creek has had to exert in order provide an economic base for the Tribe and its citizens. For the purposes of the EA, this information provides a basis for Dry Creek’s assessment of the impact that the Koi Project will have on Dry Creek and its citizens.

- **May 28, 2010, May 23, 2011 and July 12, 2012 Letter Agreements:**

Due to a major economic downturn (“Great Recession”), which began shortly after completing the 2008 MOA, the Tribe lost the ability to finance construction of the planned Resort project. The Great Recession also substantially negatively impacted the Casino’s economic performance. The Letter Agreements modified the previously agreed mitigation payments to the County and confirmed the completion of certain obligations by the Tribe, including the establishment of a conservation easement on the Tribe’s Petaluma property.

- **2015 First Amendment to MOA**

In November 2013, the Federated Indians of Graton Rancheria opened Graton Casino and Resort in Rohnert Park, thirty-three (33) miles from River Rock Casino, and in a location that “cut off” River Rock Casino from much of its Bay Area customer base, which substantially reduced that Casino’s revenue. That unrealized revenue was never recovered. Also, the Tribe’s planned new casino and 600 room resort project was never initiated. Therefore, the Tribe initiated re-negotiation of the 2008 MOA to further adjust the mitigation payments due because of the Tribe defaulting in its financial obligations.

The County chose not to re-negotiate the 2008 MOA, but in September 2015 the County agreed to amend several provisions of the 2008 MOA. The Tribe and County agreed to amend specific provisions of the 2008 MOA that further restructured the original MOA’s financial terms, and made other changes. Importantly, the Tribe agreed to pay a \$4,200,000 payment to the County which would be considered a full payment and satisfaction of any and all payment amounts owed by the Tribe to the County as of November 1, 2015, under the MOA, including those payment amounts referred to in the letter agreements of May 2010, May 2011 and July 2012.

The County also agreed to reduce the mitigation payment to a base payment of \$750,000 with an escalator provision if the Tribe’s Annual Net Revenue increased at least 2% over the prior year.

- **2017 Second Amendment to the MOA**

In the Second Amendment to the 2008 MOA, the Tribe agreed to specific provisions regarding resolution of the Tribe’s petition for a conditional license from the CA Department of Alcoholic Beverage Control (“ABC”) and established certain new requirements for live outdoor entertainment events at the Casino.

- **2021 Third Amendment to the MOA**

In August 2020, due to COVID-19 pandemic impacts resulting in extended Casino operations closure, the County agreed to defer the Tribe's annual mitigation payments to the County for the years 2020 and 2021 and extend the term of the MOA for two years.

2023 AMENDED & RESTATED MOA

The Tribe and the County have participated in joint meetings over the course of many years to address potential off-Reservation impacts and possible additional mitigation measures that might be taken with respect to proposed economic development projects on the Reservation and other lands owned in fee by the Tribe. In February of 2023, Dry Creek and the County finally entered into an Amended and Restated MOA which simplified the relationship between Dry Creek and the County. After nearly two decades of struggle, Dry Creek is now finally positioned to replace the original, temporary sprung structure with a permanent structure for the casino and this Project is a major threat to that effort.

II. The EA Fails to Address the Impact of the Proposed Koi Casino on Dry Creek Rancheria and its Citizens.

The EA provides no analysis of the impact of the Project on the Dry Creek Rancheria tribal government and its citizens. As stated above, Dry Creek's River Rock Casino struggled against tremendous legal obstacles that were presented by the AVA and County which put the Tribe in a perilous financial position. The approximate total cost of County opposition and litigation equals roughly \$186 million in loss of revenue to the Tribe over the course of ten years between 2005 and 2015. The addition of Graton Casino and Resort in the local market resulted in a loss of fifty (50) percent of River Rock's gaming revenue from the original numbers to this day. The combined impact of these factors, along with the Great Recession resulted in Dry Creek being stymied with nearly \$300 million in debt and as a result, the planned permanent resort and casino were never built.

It is important to note here that Graton Rancheria was restored to federal recognition in 2000 and although the initial restoration of lands to Graton Rancheria were to be located merely thirty-three (33) miles from the Dry Creek Rancheria, Dry Creek did not oppose the acquisition of Graton's restored lands. The primary reason for the lack of opposition by Dry Creek was that Graton was acquiring lands *within its aboriginal territory*. While the development and opening of Graton Casino and Resort resulted in a loss of 50% of River Rock Casino's revenue, it was something that Dry Creek could not challenge. However, the Koi Project will be located in between the Dry Creek Rancheria and Graton Rancheria, further cutting off an important local market and adding a 2750 machine casino less than twenty miles away from River Rock Casino, which operates fewer than 1,100 machines.

The only reference in the EA of the financial impact to Dry Creek is buried on page 69 of Appendix B, where a graph shows the estimated percentage impact that each regional gaming facility is expected to experience on their local market gaming revenue. The graph indicates that River Rock Casino would suffer the highest level of impact at an estimated 24.24% in reduced gaming revenue. This impact could not be sustained by River Rock Casino as it exists today.

Currently, River Rock Casino operates in what was supposed to be a temporary facility, on a slim margin to provide essential revenues to fund the tribal government and provide basic services to its Tribal Citizens. The approval of Koi's Sonoma County Site into trust for gaming would prevent Dry Creek from being able to finally fund a permanent casino and it would result in significant financial impact to the Tribe that cannot be mitigated. Moreover, as will be set forth below, tribal members have not yet achieved financial stability in a region that has an increasingly high cost of living.

There is not sufficient time or resources available to conduct our own study of the dramatic impact of a tribe from another region of the state building a massive casino and resort less than twenty miles away from Dry Creek Rancheria. However, we did obtain a Gaming Impact Analysis which indicated at least a 25% reduction of revenues from baseline if the Koi Project is approved. Based on the one figure on page 69 of Appendix B, it can be stated that the negative impact will be significant and life altering for Dry Creek and its citizens, with no way to mitigate that impact. We have only begun to assess the impact of the reduction in revenue; however, we will lose much of the ground that we have gained in the past 20 years in our attempt to become economically stable if the Koi Project is approved. However, the most severe impact will be the loss of our sovereignty and rights to protect our homelands and tribal cultural resources.

i. The BIA Failed to Consult with Dry Creek Pursuant to Section 106 and Failed to Require Dry Creek Tribal Cultural Monitoring During Trenching and Site Evaluation.

Even the Scoping Report to the EA failed to provide Dry Creek Rancheria the opportunity to assign cultural monitors to monitor site work that included trenching. The Archaeological Monitoring report, prepared by John W. Parker, states that "Rob Morgan (Koi Tribal Monitor) was also monitoring on behalf of the Tribe."⁵ Koi has no legal right to monitor trenching work on Dry Creek aboriginal land for a federal project. Koi has no right to monitor Dry Creek cultural sites.

Moreover, there has still not been a tribal consultation as required by the National Historic Preservation Act ("NHPA") Section 106 with Dry Creek on this project, despite BIA already sending notification to the State Historic Preservation Officer that Section 106 consultation has been completed, and the EA being published. In September 2022, after publication of the Scoping Report we sent a letter to the BIA requesting that the various field surveys and cultural reports be

⁵ Archaeological Monitoring of Soil Test Trenches on Parcel 004-021-08, Prepared by John W. Parker, April 28, 2022, at page 2.

shared with Dry Creek. In December 2022, we again requested consultation, requested information, and stated our preferences for the treatment of our tribal cultural resources. Despite our efforts, it took almost 9 months for BIA to share those reports (referenced in confidential Appendix H) and it was then that we discovered that cultural resources were subjected to destructive obsidian hydration testing without our knowledge, presence, or consent.

In July 2023 we again requested consultation and information and we were told that the material had been sent to Dry Creek, however, the Tribe had not received anything. We do not know where they sent the sensitive and confidential site information, because it was never received at our tribal office. At what point will the BIA pick up the phone or reach out to us as we recommend other agencies do when dealing with a matter as important as this? The lack of transparency and information sharing regarding the Koi Project has been abysmal and as a result, our tribal cultural resources have been negatively affected already. At the time of this letter, the BIA has failed to meet with Dry Creek despite repeated requests.

III. Koi Nation Cannot Demonstrate a Significant Historical Connection to the Sonoma County Site To Meet the Restored Lands Requirements Because its Aboriginal Lands are Located in Lake County.

On September 15, 2021, Koi applied to Interior to have the Sonoma County Site taken into trust for gaming purposes. The proposed gaming facility would reportedly include 2,500 class III gaming machines, a 200-room hotel, six restaurants and food service areas, a meeting center, and a spa.

In pursuit of its efforts, Koi intends to utilize the “restored lands” exception to the Indian Gaming Regulatory Act’s (“IGRA”) general prohibition on gaming on Indian lands, and on Sept 13, 2021, submitted a request for restored land decision from the Office of Indian Gaming (“Restored Land Request”). In 2019, Koi received a favorable judgment from the United States District Court for the District of Columbia which found that the Tribe satisfied one requirement of the “restored lands” exception—the federal government had “restored” the Tribe’s federal recognition in 2000. *Koi Nation of Northern California v. U.S. Dep’t of Interior*, 361 F. Supp. 3d 14, 46 (D.D.C. 2019). However, the Court’s determination did not mean that Koi can now conduct gaming on *any* site it chooses—the Tribe must still demonstrate that it has a “significant historical connection” to any proposed gaming site. 25 C.F.R. § 292.12(b). However, Koi cannot establish such a connection to the Sonoma County Site as required by IGRA’s implementing regulations.

A “significant historical connection” means “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” *Id.* at § 292.2. The Sonoma County Site is not within the boundaries of the Koi Nation’s last reservation, nor can the Tribe demonstrate that its villages, burial grounds, occupancy, or subsistence use traditionally occurred in the vicinity of the Sonoma

County Site. In addition, unratified treaty documents in California are full of errors and omissions that leave them fraught with discrepancy and subject to conflicting interpretations, whereas, traditional tribal territory areas are, today, well established. While Dry Creek shares family ties and thus ancestral ties with certain other Sonoma tribes, and thus those tribes have historical ties to the Sonoma County Site, it lies squarely within Dry Creek’s aboriginal territory. There is no more knowledgeable expert on the occupancy and use of the Sonoma County Site than Dry Creek Rancheria because it has a significant historical connection to the Site.

i. **Koi’s Tribal Territory is in Clear Lake, California and the EA Failed to Consider the Impact of the Koi Project on Sonoma County Tribes and Dry Creek Rancheria.**

As Koi itself recognizes, its aboriginal territory is near Clear Lake, upwards of fifty (50) miles northeast of the Sonoma County Site.⁶ If travelling by car, the distance is not an easy one to travel and it can take at least one hour and twenty minutes to travel from Clear Lake, California, the site of Koi’s original rancheria, to the Sonoma County Site. In 1916, the federal government established the Lower Lake Rancheria for the Tribe (then known as “Lower Lake Rancheria”) in Lake County, California within the Tribe’s aboriginal territory. Although the land was largely abandoned by Koi people and it was sold pursuant to Congressional authorization in 1956, the Lower Lake Rancheria is the Tribe’s “last reservation” for purposes of the “restored lands” exception. It is Dry Creek’s understanding that a municipal airport was planned for the site of the Lower Lake Rancheria when it was sold in 1956, but the airport was never built. Thus, there is no indication that existing development at the former rancheria site is an obstacle to Koi’s use of the former rancheria as a potential site for their proposed casino.

As stated above, because the Sonoma County Site is not within or near the boundaries of the former rancheria in Lake County, Koi cannot satisfy the “significant historical connection” requirement of the “restored lands” exception unless it has historical documentation of Koi’s occupancy or use of the lands as a Tribe. But there is no historical documentation that would adequately support such a claim. As mentioned above, the Sonoma County Site is within the boundaries of Dry Creek’s aboriginal territory and Koi has not historically occupied or used it. Dry Creek has occupied the Sonoma County Site lands and subsisted on the resources found there

⁶ See, *Koi Nation v. City of Clearlake*, Lake County Superior Court, Case No. CV 423786. California Attorney General Rob Bonta announced on October 20, 2023 that the Lake County Superior Court has granted the Department of Justice’s application to file an amicus brief in support of the Koi Nation of Northern California’s lawsuit against the City of Clearlake. The Koi Nation contends that the site of a proposed 75-room hotel — known as the Airport Hotel and 18th Avenue Extension in Clear Lake, California — contains Koi tribal cultural resources and that the city did not adequately conduct consultation with the Koi Nation or consider the project’s impacts on Koi tribal cultural resources, in violation of the California Environmental Quality Act’s (CEQA) tribal consultation requirements added by Assembly Bill 52 (AB 52). The Department of Justice’s amicus brief supports the Koi Nation’s position, providing information on the legislative history and intent of AB 52’s requirements.

since time immemorial. The tribal cultural material found during the archaeological investigation is evidence of Dry Creek's use and occupation of the Site.

Despite assertions to the contrary in the EA, tribal cultural resources were found at the Sonoma County Site. As stated above, the EA was published before Section 106 Consultation has even occurred with Dry Creek; however, the Tribe is culturally affiliated with the land and tribal cultural resources found there. If Native American human remains are discovered on the Sonoma County Site today, the Dry Creek Rancheria would be the Most Likely Descendant of such ancestors. No other tribe has a closer, more documented affiliation with the specific parcel, and the tribal cultural resources that were found on the Sonoma County Site are culturally affiliated with Dry Creek. The other Sonoma County tribes recognize this important point, however Koi has failed to do so.

Koi asserts that its modern tie to Sonoma County is due to individual tribal members moving to the town of Sebastopol. Sebastopol is nearly twenty miles from Windsor, and it is the aboriginal territory of Graton Rancheria. Koi cannot claim a "significant historical connection" with Sebastopol as defined in 25 C.F.R. § 292.2, only a *modern* connection. Only Graton Rancheria can claim a significant historical connection to Sebastopol, and that is why its initial reservation was located nearby (within five (5) miles) when it was restored to federal recognition in December of 2000.

If Koi can use a voluntary move by tribal members in the 1950's to establish the legal basis for restored lands, then the rules for taking land into trust have been expanded in a way that makes the exception the rule. "Restoration" would not require original land being "lost" and then "restored," but instead, it would allow tribes to relocate to better locations despite the lack of historical cultural connection, and despite the obvious impact to aboriginal tribes who already suffer from a lack of sufficient resources.

The Environmental Assessment fails to consider these larger policy issues and the tremendous cost and significant impacts to local tribes and specifically Dry Creek Rancheria. The EA includes one mention of the immediate impact of the Project on nearby tribes, which unlike Koi, are actually aboriginal tribes. The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as to the other aboriginal tribes. Merely having to focus finite and limited resources to review and analyze the EA without first having a determination that the lands qualify as restored lands under the IGRA is a significant impact to limited tribal resources. The only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a final decision on Koi's request for a restored lands opinion.

ii. **Koi's Tribal Territory is in Clear Lake, California and the EA Failed to Consider Koi Building Its Project in Clear Lake.**

NEPA requires the BIA to consider reasonable alternatives that are “technically and economically feasible and meet the purpose and need for the proposed action.”⁷ While the EA acknowledges that Koi aboriginal territory is in Lake County, it does not consider an alternative project site that is actually within Lake County.⁸ The BIA provides a cursory explanation for why it eliminated alternative project sites in the BIA’s September 2022 Scoping Report, which states that Koi Nation has submitted “substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites”⁹ but that it is “highly speculative” that alternative locations could support an economic enterprise that would fund the tribal government, or that Koi could even purchase property in those unspecified alternate locations.¹⁰

The Scoping Report does not include any of the data submitted by Koi nor does it specify whether sites within Koi aboriginal territory were evaluated. It references a more detailed explanation in a separate “Alternatives Evaluation Report,” but no such report has been disclosed to the public.¹¹ In fact, more space in the Scoping Report is devoted to Section 2.5- Alternatives Considered But Eliminated From Further Consideration, than any other topic in the Scoping Report, but none of the actual basis for the conclusions have been made publicly available, despite references to data being considered.

In Lake County there are currently four small tribal casinos. It is not “highly speculative” that a project in Lake County could fund a tribal government. A review of the reports on California Gambling Control Commission website reveals that out of 110 federally recognized Indian tribes in California, seventy-two (72) tribes are eligible for the Revenue Sharing Trust Fund (“RSTF”).¹² Out of those 72 tribes, twenty-six (26) operate a casino with less than 350 gaming devices. Those tribes operate a small gaming facility (some also have a hotel) and also receive \$1.1 million from the RSTF, and they are also eligible to receive payments from the Tribal Nations Grant Fund.¹³ Given the small size of the Koi citizenship (90 members), it is not “highly speculative” that a project in Lake County could fund a tribal government. At this point in the gaming industry however, tribes must consider all the factors before making a decision to initiate a gaming project. Dry Creek can speak directly to the difficulties in establishing a gaming project in Sonoma County.

⁷ 40 C.F.R. § 1508.1(z); See also, EA at 2025.

⁸ See EA at 1-2.

⁹ Scoping Report, at page 13.

¹⁰ *Id.*

¹¹ Scoping Report at 8, 12.

¹² The Revenue Sharing Trust Fund was established in the “1999 Compacts” and provides each tribe operating fewer than 350 gaming devices with a payment of up to \$1.1 million per year. See, http://www.cgcc.ca.gov/documents/Tribal/2023/List_of_RSTF_Eligible_Tribes_10-6-23.pdf

¹³ The Tribal Nations Grant fund was first established in the Graton Rancheria Tribal-State Gaming Compact, dated March 27, 2012, a copy of which may be found on www.cgcc.ca.gov.

The Scoping Report and the EA both appear to assume that if a restored tribe was originally located in an area with a limited gaming market, that the restored tribe may just choose a new reservation in a “better” gaming market and move there. This assumption is flawed, because the regulations specifically require a “significant historical connection.” 25 C.F.R. § 292.12(b).

The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should have considered alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

The median property value in Lake County is substantially lower than in Sonoma County.¹⁸ It is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic feasibility without providing any market data for that proposition. It is likewise not reasonable to eliminate a project site in Lake County due to technical or regulatory feasibility. There are available sites in Lake County that are well situated for tourism and large-scale development that could be taken into trust for Koi.¹⁹

¹⁴ Decision letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011)(“Guidiville Letter”).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Guidiville Letter at 14.

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁹ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-l-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-l-518-4pnknt/5115-east-highway-20-nice-ca-95464-!!ivohdkk!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/11474-Spruce-Grove-Rd-Lower-Lake-CA/24889793/> (503-acre largely undeveloped property in Lower Lake).

Regardless of what the EA states, the IGRA requires Koi to demonstrate a “significant historical connection” to the proposed site for it to be eligible for gaming. Given this requirement, the *most reasonable* location to study for a gaming acquisition under a restored lands analysis would be within Koi’s aboriginal territory. It is not reasonable for the EA to focus only on the Sonoma County Site because Koi cannot demonstrate a “significant historical connection” to the Sonoma County Site or Sonoma County, generally. The only way to reduce unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA from consideration until there is a decision on Koi’s request for a restored lands opinion.

IV. Misuse of the Restored Lands Process is Reservation Shopping and Should be Rejected by BIA Because it Creates Impacts to Aboriginal Tribes That Is not Properly Analyzed in the EA and Can’t Be Mitigated.

Dry Creek is concerned that Koi is reservation shopping—exploiting any minor connection to the Sonoma County Site because Koi (and its financial backer) believes it will make a larger profit from any gaming venture in Sonoma County than in its aboriginal territory. We ask that Interior reject Koi’s proposal which could set a dangerous precedent for gaming tribes in California. When California voters authorized exclusive tribal class III gaming through propositions 5 and 1A in 1998 and 1999, they did so on the condition that tribal gaming would be limited to then-existing reservations.²⁰ Every proposed casino that is outside of a tribe’s aboriginal territory does an about-face of the promises that tribes made to the voters. California is nothing like Oklahoma, which has a very different history. The California electorate has time and again rejected off-reservation gaming and Koi’s Project has already been met with furious backlash from the local and state-wide community.²¹ Ultimately, Koi’s Project not only threatens the sovereignty of Sonoma County tribes, but it threatens tribal exclusivity in the California gaming market, endangering the continuing prosperity of all California gaming tribes.

Koi has a well-documented history of attempted reservation shopping, and this iteration is strikingly similar to past efforts by Koi. They have again partnered with an out-of-state developer, the Chickasaw Nation,²² except that instead of seeking to enter the Bay Area market, (within the aboriginal territory of unrecognized California tribes), they seek to select a site in the middle of the aboriginal territory of five recognized tribes.

²⁰ https://repository.uclawsf.edu/cgi/viewcontent.cgi?article=2163&context=ca_ballot_props.

²¹ All five federally recognized Sonoma County tribes have approved a resolution opposing the Koi Nation project. The project is also opposed by the County Board of Supervisors, the City of Windsor, Senator Mike McGuire, Assemblyman Bill Dodd, Congressman Mike Thompson, Senator Alex Padilla and former Senator Diane Feinstein.

²² The Chickasaw Nation is a very large tribe that owns twenty-three (23) casinos in Oklahoma. It is a commercially successful tribe, with at least 200 business ventures. Its long list of gaming establishments include WinStar World Casino and Resort in Thackerville, Oklahoma, which the tribe bills as the *largest casino in the world*. See, <https://www.pressdemocrat.com/article/news/koi-partnering-with-chickasaw-nation-on-shiloh-casino/>

i. Koi’s Original Plan to Build a Casino, Resort and Spa in Oakland.

This proposed gaming acquisition is not the first for Koi Nation, which is evidence of its blatant effort to “reservation shop”. In 2005, Koi officially announced its plans to build a “world-class” tribal government gaming facility, resort and spa near the Oakland International Airport.²³ The Tribe's Crystal Bay Casino, Resort & Spa project was said to create an estimated 4,440 new jobs, 2,200 directly, annual payroll approaching \$80 million and \$1 billion in overall annual economic activity for the local area. The Tribe also began talks with the city to explore potential benefits the project could bring to the local economy. Discussions included a proposal for annual payments from the Tribe to mitigate impacts to city services, including funding for additional police and fire protection, reimbursement for lost property taxes and parking tax revenue, and road and traffic improvements. The proposal was funded by Florida real estate developer Alan Ginsburg. Facing incredible community opposition, the Tribe dropped its plans.

ii. Koi Tries its Luck on Another Site in Vallejo.

Rather than taking the lesson that could be learned from the battle over taking land into trust for gaming in Oakland to heart, and looking at possible gaming sites in the Clear Lake area, Koi was one of eight applicants for the development of a site in Vallejo, California in 2014.²⁴ The Tribe partnered with developer Cordish Company for a proposed \$850 million project, promising to pay the city between \$10 million and \$20 million a year, along with generating thousands of jobs. Cordish is a development company based in Baltimore, Maryland, and whose focus is mixed-use entertainment districts. In January 2015, after considerable controversy, the Vallejo City Council voted to reject all gambling proposals and to concentrate solely on industrial proposals for the site.

iii. The Koi Nation Project Could Harm Tribal Exclusivity by Evading Limitations on Off-Reservation Gaming Approved by California Voters.

Californians legalized certain tribal class III gaming through referenda in 1998 and 1999. In doing so, California voters were promised that all Indian gaming would be “strictly limit[ed]” to tribal land and “[t]he claim that casinos could be built anywhere is totally false.”²⁵ In assuring voters that the passage of Propositions 5 and 1A would not result in massive increases in slot machines across the State, proponents stated “[t]he majority of Indian Tribes are located on remote reservations and the fact is their markets will only support a limited number of machines.”²⁶ Both

²³ Material in this section is found on the Koi Nation Wikipedia page, https://en.wikipedia.org/wiki/Koi_Nation. The Page includes links to many news articles that tell the story of Koi’s attempts to take lands into trust that are well outside of the Tribe’s ancestral territory and were all rejected by local governments and voters.

²⁴ *Id.*

²⁵ State of California, Office of the Attorney General, Official Title and Summary Prepared by the Attorney General, Gambling on Tribal Lands, Legislative Constitutional Amendment, Rebuttal to Argument Against Proposition 1A, at 7.

²⁶ *Id.*

propositions passed with overwhelming support—almost two-thirds of voters were persuaded to grant Indian tribes exclusivity over class III gaming in the State.

The impact of the voters' decisions has been striking—the growth of Indian gaming in California over the past two decades has helped to lift many tribes and tribal members out of poverty, fostered educational and employment opportunities, and fast-tracked non-gaming economic development. Non-gaming and limited gaming tribes even receive funds from more prosperous tribes who have better gaming locations. But the continued prosperity of California gaming tribes is not guaranteed. If California voters become disillusioned with tribal gaming as a result of reservation shopping, all tribes stand to lose their exclusivity and the benefits realized in the last two decades.

In fact, this is an issue still on the forefront of many voters' minds. As recently as 2014, the voters handily rejected a proposal by the North Fork Tribe to conduct off-reservation gaming, rejecting the compact Governor Brown had negotiated with North Fork and nullifying the Governor's concurrence in the two-part determination that would allow such gaming.²⁷ Just last year, two sports betting initiatives that were the most expensive in California history, and would have included California tribes, received record low support by California voters—one, Proposition 27, had the lowest vote of support in California history.²⁸

The unanimous opposition to the Koi Project in the tribal and local community is consistent with that statewide view. The Koi Project is the antithesis of what the voters agreed to—the Sonoma County Site is not just outside of Koi's aboriginal territory, it is planned at a highly-visible location which has already drawn much attention and public outcry.²⁹ Koi's project would break the promises made by tribes statewide during the campaigns for Propositions 5 and 1A and could ultimately be a tipping point that results in a loss of exclusivity for tribal gaming in California. The Koi project could shift the delicate balance that exists in the legislature and with the voters, which is already challenging with the increasing threat of non-tribal cardroom operations that seek to expand with new locations and new games.

Because the application seeks to shift the rules for taking land into trust, the EA should consider the negative impact on all tribes that would be called to commit significant resources to protect tribal exclusivity and aboriginal territory. The EA fails to consider these larger policy issues and the tremendous cost and impact to local tribes and perhaps even tribes across the entire state that would result from the Project. The EA focuses on the immediate financial impact of the Project on nearby tribal casinos, however there is no analysis of the impact of the reduction of such revenues to the tribal governments and their citizens.

The failure to adequately study the larger potential impacts of taking land into trust for gaming outside of a Tribe's area has already resulted in negative impacts to Dry Creek, as well as

²⁷ See *Stand Up for California! v. State of California*, No. F069302, 2021 WL 1933336 (May 13, 2021).

²⁸ See <https://www.nbcalosangeles.com/news/local/prop-26-27-california-sports-betting-gambling-fail/3029890/>.

²⁹ See *supra* note 21.

to the other aboriginal tribes because of the drain on finite and limited resources that is necessitated by the publication of an EA without first having a determination that the lands qualify as restored lands under the IGRA. Again, the only way to reduce this unnecessary impact on Dry Creek and other local tribes is for the BIA to withdraw the EA until there is a final decision on Koi's request for a restored lands opinion.

V. The Sonoma County Site Does Not Qualify as Restored Lands for Koi Nation Under the Indian Gaming Regulatory Act Because It Is Located in Dry Creek's Aboriginal Territory.

IGRA prohibits gaming on lands acquired after 1988 except under certain circumstances. Specifically, Section 20(a) of IGRA provides that if lands are acquired in trust after October 17, 1988, the lands may not be used for gaming, unless one of the following statutory exceptions applies:

- (1) The lands are located within or contiguous to the boundaries of the tribe's reservation as it existed on October 17, 1988;
- (2) The tribe has no reservation on October 17, 1988, and "the lands are located...within the Indian tribe's last recognized reservation within the state or states where the tribe is presently located;"
- (3) The "lands are taken into trust as part of: (i) the settlement of a land claim; (ii) the initial reservation of an Indian tribe acknowledged by the Secretary under the Federal acknowledgment process; or (iii) the restoration of lands for an Indian tribe that is restored to Federal recognition. . . ."

Under the "restored lands exception," found in IGRA Section 20(b)(1)(B)(iii) (25 U.S.C. § 2719(b)(1)(B)(iii)), a tribe must first document that it has been "restored"— meaning that it had federal recognition, lost it, and then regained recognition. It then must document that the land it wants to use for gaming is on a site that constitutes a restoration of land to the tribe. The notion of "restoration" of lands means that the land has been returned to tribal ownership and control and that it lies within the historic tribal occupancy area. The "restored land" provision is poorly understood and has frequently compelled tribes to file briefs and reports with the National Indian Gaming Commission ("NIGC") or to litigate to get the facts confirming its eligibility under the restored lands exception into a forum to prove its case and secure trust status of lands for gaming. In analyzing whether lands have been "restored," the NIGC examines whether the "land acquisition in some way restores to the Tribe what it previously had."³⁰

When the BIA has evaluated this issue, it has analyzed historical tribal ties to the lands to determine if the proposed gaming site is within a tribe's aboriginal territory. In testimony regarding

³⁰ U.S. Dep't of the Interior, Office of the Solicitor, Memorandum: Elk Valley Indian Lands Determination, at 7 (July 13, 2007).

off-reservation gaming and newly restored lands, then-Principal Deputy Secretary Aurene Martin stated:

For instance, to qualify under the “initial reservation” exception, the Department requires that the tribe have strong geographical, historical and traditional ties to the land. To qualify under the “restoration of lands” exception, the Department requires that either the land is either made available to a restored tribe as part of its restoration legislation or that there exist strong historical, geographical, and temporal indicia between the land and the restoration of the tribe. The Department’s definition of restored land has been guided by fairly recent federal court decisions in Michigan, California, and Oregon.³¹

While Koi has outwardly advocated that it has a connection to the Sonoma County Site, it cannot make an adequate legal claim to aboriginal title or restored lands for the Sonoma County Site because the land is accepted by all Sonoma County tribes as being the aboriginal land of the Dry Creek Rancheria. The Sonoma County Site is located well *outside* of the Koi’s aboriginal area and *within* the aboriginal area of several other tribes, but primarily Dry Creek. Consequently, the land cannot be *restored* to Koi when it is the territory of another tribe.

VI. The EA Does Not Adequately Address the Potential Environmental Impacts That Will Be Caused By the Koi Project and an EIS Must Be Prepared.

The Project proposes an action with two parts: (1) the acquisition by the federal government of approximately 86 acres of land in Santa Rosa, California (the “Shiloh parcel”) in trust for the benefit of the Lower Lake Koi Nation as restored lands, and (2) establish its economic lands base in order to promote the general welfare of the Koi Nation and its members, raise governmental revenues, and create jobs for its members.

We believe that the Environmental Assessment is deficient because the BIA failed to examine and analyze reasonable alternatives to the Project by determining that an EIS is not required for a massive project such as this, which is proposed in an area with existing traffic congestion and in conflict with surrounding land uses. Moreover, this Project’s environmental review process has moved faster than most other similar projects have in the past, which is extremely concerning to Dry Creek, because the scoping began during a worldwide pandemic that severely impacted our Tribe’s ability to allocate resources to track the process and properly evaluate the impacts that the Project will have on our Tribe, and the surrounding community.

As stated previously, the Project would be detrimental to Dry Creek, as Dry Creek’s governmental functions and/or services will be directly, immediately and significantly impacted by the proposed gaming establishment and the EA did not include an analysis of locating a site in

³¹ Testimony of Aurene M. Martin Principal Deputy Assistant Secretary – Indian Affairs, Department of the Interior, at the Oversight Hearing Before the Committee on Resources, U.S. House of Representatives Concerning Gaming on Off-Reservation, Restored and Newly-Acquired Lands, July 13, 2004

or near Clear Lake, or even within Lake County, closer to the lands that Koi has a significant cultural relationship to.

We believe that failing to prepare an Environmental Impact Statement would be arbitrary, capricious, and inconsistent with BIA practice. The EA describes Alternative A (the project proponent’s preferred alternative) as the acquisition of 68.6 acres in trust to construct a three-story casino with 2,750 gaming devices, 105 table games, a food court, five restaurants, and four service bars—comprising 538,137 square feet.³² There will also be a five-story, 400-room hotel with spa, ballrooms/meeting space, and event center—comprising 268,930 square feet. Additionally, the site will contain a four-story parking garage and paved surface parking lot providing 5,119 parking spaces and comprising 1,689,380 square feet.³³ Lastly, there will be an on-site potable water treatment plant and storage tank, on-site wastewater treatment facilities (including a wastewater treatment plant, 4-acre seasonal storage pond, storage tank, and pump station), as well as “up to” two new water supply wells and potentially a fire station.³⁴ The total square footage of ground disturbance will *exceed 2.4 million square feet*.

When scoping the project, BIA asserted that an EA is “the appropriate level of NEPA document at this time” because it will help BIA determine “whether a proposed action may or will have a significant impact on the quality of the human environment.”³⁵ However, there is no doubt that a project of this scale will have a significant impact on the quality of the human environment. The BIA practice, up to this point, has been to conduct the more comprehensive review demanded by an EIS for tribal gaming projects of this scale.

For example, in 2020, BIA issued a final EIS for the Tejon Indian Tribe’s trust acquisition for a casino project similar in scope to the Koi Project. The project involved the trust acquisition of 306 acres of land to construct a 715,800 square foot Class III gaming facility with casino, restaurants, entertainment and retail space, a fire and police station, RV park, water treatment facilities, and 400-room hotel.³⁶ Prior to trust transfer, the site consisted primarily of agricultural land with rural residential housing and commercial development.³⁷

Two other recent examples include the BIA’s preparation of an EIS for the Wilton Rancheria casino project and also for the Soboba Band of Luiseño Indians Horseshoe Grande casino project—both of which involved parcels that had already been partially developed. In 2016, BIA finalized its EIS evaluating the trust acquisition of 36 acres of land for the Wilton Rancheria that had already been partially developed as a shopping mall. The Wilton Rancheria project involved the construction of a 608,756 square foot Class III gaming facility (similar in

³² EA Sec. 2.1.2.

³³ EA Sec. 2.1.2.

³⁴ EA Sec. 2.1.3, Sec. 3.10.3.2, and Appendix C.

³⁵ Scoping Report at 26.

³⁶ BIA Final Environmental Impact Statement, Tejon Indian Tribe Trust Acquisition and Casino Project (Oct. 2020) at 2-1 – 2-2.

³⁷ *Id.* At 2-1,

size to the Koi Casino's 538,137 square foot facility) and 302-room hotel (smaller than the Koi Project's 400-room hotel).³⁸

In 2013, the BIA issued a final EIS for the trust acquisition of 535 acres of land for the Soboba Band of Luiseño Indians. A portion of the large site was already being used for a tribal golf course, but 55 undeveloped acres were evaluated by the BIA for construction of a 729,500 square foot Class III gaming facility (again, similar in size to the Koi Casino's 538,137 square foot facility), and 300-room hotel (again, smaller than the Koi Project's 400-room hotel), as well as two fire stations and gas station.³⁹ Importantly, there is no reasonable basis for concluding that these recent tribal casino-resort projects required an EIS but the current Project somehow does not.

Koi's Project site is largely undeveloped, the adjacent land is primarily agricultural and residential, and the site is 50 miles from the Koi's historic rancheria (and within the aboriginal and cultural territory of the Southern Pomo people). The Koi Project is comparable with the Tejon, Tule, Soboba, and Wilton projects, all of which were subject to an EIS. Ultimately, we believe that it is arbitrary and capricious and an abuse of discretion for the BIA to rely on an EA for this Project.⁴⁰ However, we also believe that the BIA must withdraw the EA and first consider Koi's request for an Indian lands opinion before doing any further NEPA analysis for the Project.

VII. Comments Regarding the Environmental Impacts to Dry Creek Homelands That Will Result from the Project.

The following list provides our comments on other aspects of the EA that are concerning to Dry Creek, however, we wish to note that we requested an additional sixty days so that we could properly analyze the EA, however the BIA only granted a 15-day extension for our comments. That was not sufficient for us to prepare the detailed comments that we had hoped to make here.

1. Water

Sonoma County is currently facing dramatic water shortages that are drought-related, but also systemic. Dry Creek often faces curtailment orders (along with other Alexander Valley vineyards) and it is vital that the basin be protected from overdraft of the water table. The EA does not analyze the implications of increased, year-round groundwater extraction and the corresponding impairment of seasonal groundwater recharge that the Project would create. To make matters works, none of the mitigation measures address impacts to groundwater. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

³⁸ BIA, Final Environmental Impact Statement / Tribal Project Environmental Document, Wilton Rancheria Fee-to-Trust and Casino Project at ES-4–ES-5 (Dec. 2016) (hereinafter 2016 Wilton Rancheria FEIS).

³⁹ BIA, Final Environmental Impact Statement, Horseshoe Grande Fee-to-Trust Project at ES-1 (Sept. 2013).

⁴⁰ *Citizens Exposing Truth About Casinos v. Norton*, No. CIV A 02-1754 TPJ, 2004 WL 5238116 (D.D.C. Apr. 23, 2004), *aff'd sub nom. Citizens Exposing Truth about Casinos v. Kempthorne*, 492 F.3d 460 (D.C. Cir. 2007).

2. Air Quality/Greenhouse Gases

The Koi Project will cause increased air emissions within the area due to traffic and congestion created by the location of the Sonoma County Site. Additional greenhouse gases will be emitted for patrons, employees and in the operation of the facility. The Project will contribute to a cumulative impact to impaired air quality, as the Shiloh site is located in a non-attainment area subject to significant traffic congestion. The EA does not specifically address the potential cumulative health impacts that occur from combined Project emissions and increased traffic emissions from roadways and the nearby freeway, and other industrial uses in the vicinity. A more detailed examination of the potential for cumulatively significant air impacts in the region is needed to make an informed decision regarding the proposed project. In order to conduct the appropriate level of detail for this important analysis, an EIS should be prepared.

3. Biological Resource

The EA identifies Pruitt Creek, which bisects the site, is “designated as critical habitat (pursuant to the federal Endangered Species Act), designated as essential fish habitat (pursuant to the Magnuson-Stevens Fishery Conservation and Management Act), and provides potential habitat for several federally listed salmonids”. Given that an NPDES permit is necessary for the Koi Project, which will discharge into critical habitat, there should be an EIS level analysis for the Koi Project. The failure to require an EIS indicates a lack of diligence on the part of the BIA for this undertaking.

4. Cultural Resources

Despite the fact that the Shiloh site is has been previously impacted by some development, it is nonetheless within the aboriginal territory of the Dry Creek Mihilakawna and Makahmo Pomo people, as well as neighboring Sonoma County tribes. The site contains tribal cultural resources important to the Dry Creek people. Preparation of an EIS would provide for a scoping process that would allow us to gain more information in order to properly assess the potential impact of the Proposed Project on our tribal cultural resources.

As stated above, tribal consultation under Section 106 has not yet occurred, despite the EA already being published. Even if we had the opportunity to meet with BIA prior to the issuance of the EA, we lacked critical details about the project design, including major ground-disturbing components, which were only recently disclosed in the EA. For example, to provide an adequate water supply for the project, up to two new water wells may be dug onsite, exact location unknown, to a depth of approximately 700 feet.⁴¹ Further, the proposed wastewater collection system involves installing a gravity sewer main *underneath* the existing creek.⁴² Additionally, the project design anticipates constructing massive seasonal storage ponds or storage tanks to hold treated

⁴¹ See EA Sec. 2.1.3; Appendix C, Figures 2-3 and 2-4, appearing to propose at least one of the new wells be located within the already crowded water treatment area.

⁴² See EA Sec. 2.1.4.

effluent until it can be used.⁴³ Assuming no off-site use of the effluent is available, storage ponds would have a 12.1-million gallon capacity and cover 4.1 acres with a maximum depth of 9 feet, whereas storage tanks would have a 16 million gallon capacity and be 145 feet wide and 65 feet tall.⁴⁴ These design features demonstrate not only the high degree of uncertainty with the overall project design but also the substantial ground disturbance that will likely result from construction.

Moreover, the design seems to contradict conclusions drawn by the project proponent's archaeologist (and implicitly adopted by the BIA) that likely no pre-historic sites would be impacted since prior vineyard agricultural activity had already disturbed the subsurface to a depth of four feet.⁴⁵ Up to 700 feet of ground disturbance is certainly distinguishable from four feet of ground disturbance.

In addition to the failed consultation with local aboriginal tribes, the EA Section 3.6 provides misleading information. Subsection 3.6.2, the EA asserts that around 3,500 BP, many Clear Lake Pomo moved west into the Russian River drainage, married into existing Yukian tribes (bringing with them their language, culture, and technology), and "[e]ventually the Clear Lake Pomo culture spread throughout Sonoma and Mendocino Counties."⁴⁶ This assertion is misleading—likely to preserve the narrative that Koi is significantly and historically connected with the area—and without any academic or ethnographic support. Nowhere does the EA state that the Sonoma County Site lies within the territory of Dry Creek.

Rather than citing to primary source material regarding Pomo origins and the antiquity of the presence of Hokan speaking peoples in Sonoma County, the EA cites only to the historic property survey report generated for this Project by Koi's own archaeological consultant, John Parker.⁴⁷ This is a far cry from a comprehensive article on the subject that is peer reviewed and published in an academically reputable journal. Moreover, the hypothetical population movements associated with differentiation and expansion of Pomoan language is disputed among academics. For example, anthropologist Mark Basgall's 1982 manuscript *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California* provides a critique of the early California linguists that model prehistoric language movements as resulting from migration.⁴⁸ Basgall argues, quite convincingly, that the Southern Pomo language resulted from in situ development, meaning that Pomo speakers did not replace earlier inhabitants. Instead, Pomo speakers have been present in northern Sonoma County for a long period and the differences in language families is the result of in-situ development rather than population replacement. This conclusion is consistent with Dry Creek oral tradition, which must be given great weight under DOI's Tribal Ecological Knowledge Policy.

⁴³ *Id.*

⁴⁴ See Appendix C Sec. 2.3.4.4, including Figures 2-7 and 2-8.

⁴⁵ See confidential Appendix H-1 at 4.

⁴⁶ EA at 3-53.

⁴⁷ EA at 3-53, citing Appendix H-1.

⁴⁸ Mark Basgall, *Archaeology and Linguistics: Pomoan Prehistory as Viewed from Northern Sonoma County, California*, J. OF CA. & GREAT BASIN ANTHROPOLOGY 4(1):3-22 (1982).

Additionally, under the heading “Native American Consultation,” the EA notes that the Native American Heritage Commission identified the presence of sacred sites within or near the Area of Potential Effects (APE), yet the EA does not analyze those sites or identify their locations. As such, the EA has not provided adequate identification efforts necessary to determine if the sacred site(s) are present within the APE. Although this subsection notes that Graton Rancheria believes religious and significant tribal cultural resources are present within the APE, it does not analyze impacts or provide any resolution of potential adverse effects to those resources—nor could it, since BIA has not actually met with Graton or any of the local tribe to discuss these issues.

In order for the impact analysis to be complete for the Project, the APE should be developed in consultation with the appropriate tribes through the NHPA Section 106 process. Proposed traffic mitigation for this project indicates that the widening of Shiloh Road will eventually become necessary.⁴⁹ Additionally, the EA provides that gas and electrical utility extensions and infrastructure improvements will be constructed prior to the Project opening date and paid for by Koi, however the EA does not specify the exact locations of such extensions and infrastructure improvements. Since some of that work will be conducted off-site, Dry Creek tribal cultural monitors should be required for all such work as required by AB 52. For these reasons, the APE should be expanded beyond the property boundaries to include any roads or other locations where work is likely to be done, and appropriate tribal cultural monitoring agreements should be required.

The discussion of field surveys and evaluations in Subsection 3.6.3.2 are also deficient. The February 2022 archaeological field survey performed by one of Koi Nation’s archaeological consultants, John Parker, resulted in the identification a of variety of pre-contact archaeological materials including: a bowl mortar, chert and obsidian flakes, a biface fragment, a core and a projectile point. In addition, historic-era archaeological materials associated with a home site were found. John Parker recommended that neither the pre-contact archaeological materials nor the historic-era items are significant archaeological resources, and therefore are not eligible for listing on the National Register of Historic Places (the National Register). Yet the evaluation of the eligibility for listing on the National Register does not follow the guidelines outlined in the *How to Apply the National Register Criteria for Evaluation* published by the National Park Service. The eligibility criteria (A-D) are not clearly outlined in the EA, neither is how they relate to the archaeological resources.

Not surprisingly, because the EA lacks any input from the culturally affiliated tribes, the evaluation lacks a detailed description and offers a poorly developed justification regarding the eligibility of the resource. The EA’s description of the May 2022 archaeological field survey performed by another archaeological consultant, Tom Origer & Associates, is also misleading. The EA fails to explain that the archaeologist made no recommendation regarding the eligibility of pre-historic resources for inclusion on the National Register and in fact, concluded there *could* be buried archaeological sites and recommended that additional studies be completed, such as

⁴⁹ EA at 4-9.

obsidian hydration analysis, canine survey, ground penetrating radar survey, and backhoe trenching.⁵⁰

These important issues and questions should not be left to the public comment period of the EA, these cultural concerns should be discussed in a meaningful and respectful way with a respect for confidentiality of the site information. In fact, *too* much tribal cultural resource information is revealed in the EA, an apparent effort to make the EA appear to be thorough, but if Section 106 consultation had occurred, Dry Creek would not want to have such detail disclosed to the public in the EA.

However, Koi and BIA have run roughshod over the Section 106 process. The irony of this is not lost on us given the fact that Koi has filed a lawsuit against the city of Clear Lake alleging the lack of meaningful consultation on a project that would impact Koi cultural resources. Koi was so concerned about the lack of meaningful consultation that they obtained an amicus brief from the California Attorney General, but in the case of Dry Creek, Kashia and Graton, requests for consultation have gone unanswered.⁵¹

Despite the lack of any tribal consultation, in Section 3.6.3.3, the BIA prematurely and without adequate explanation concludes that the Project would “not result in direct adverse effects to known historic properties” and that while there is a “potentially significant impact” to subsurface prehistoric or historic archaeological resources, those impacts would be reduced to less-than-significant levels with mitigation.⁵² As we already stated, such a conclusion should not be rendered prior to meeting with our Tribe and other consulting tribes to discuss the identification of, and impact, to tribal cultural resources.

The State Historic Preservation Officer has not concurred with the BIA’s determination of no adverse effects, a fact the draft EA neglects to mention. But the SHPO is correct in the withholding of concurrence because no tribal consultation has occurred. Further, the EA’s conclusion of no adverse effects under the NHPA is undermined by the EA’s simultaneous recognition that a number of factors, such as the presence of Pruitt Creek, the presence of scattered obsidian, and the results of Native American consultation “conducted to date” indicate that there is, in fact, a potential for “significant subsurface cultural resources to be buried beneath the Project Site,” which “could be encountered and impacted during project related construction and evacuation activities.”⁵³ This illustrates that additional identification efforts are merited to determine the presence or absence of buried archaeological resources at the Project site.

⁵⁰ See confidential Appendix H-2 at 11.

⁵¹ EA at 3-53.

⁵² The BIA makes this same conclusion for alternative project designs. See, EA at 3.6.3.4 and 3.6.3.5.

⁵³ EA at 3-56.

i. Mitigation Deficiencies

The EA summarily concludes that while there is a potentially significant impact to certain cultural resources, such impact would be reduced to less-than-significant if mitigation measures are employed.⁵⁴ The section's ethnographic overview acknowledges the Project site is in Southern Pomo aboriginal territory, yet these mitigation measures were developed without consultation with the culturally affiliated tribes, including Dry Creek. The mitigation measures are poorly designed, fail to incorporate applicable law and leave us with no confidence that mitigation will be

Cultural Resource Mitigation Measure A provides that:

Any ground-disturbing activities that occur within 150 feet of Pruitt Creek shall be monitored by a qualified archaeologist and Native American Tribal Monitor. An archaeological monitoring program shall be established that includes consultation between the consulting archaeologist, lead agency, and the project proponent. The program shall clearly define the authority to temporarily halt/redirect construction should resources be encountered.

This mitigation measure is flawed in several respects. It does not specify who may properly serve as a Native American Tribal Monitor and there is no guarantee that the monitor will come from a culturally affiliated tribe. In fact, as noted in the EA at page 3-55, the Koi Nation previously utilized its own tribal monitor for trench studies conducted at the site and we have every reason to believe they will continue to use their own tribal monitor, even though they are not Southern Pomo and not culturally affiliated with this area. Further, the archaeological monitoring program is to include consultation between the consulting archaeologist, lead agency, and the project proponent, but there is no mention of consultation with any of the Southern Pomo tribes. Last, given the array of cultural resources or potential cultural resources discovered throughout the site, as discussed in the confidential appendices, monitoring should be required for ground-disturbing activities *anywhere* at the site, not just those activities that occur within 150 feet of Pruitt Creek.

Cultural Resource Mitigation Measure B provides that:

In the event of any inadvertent discovery of prehistoric or historic archaeological resources during construction-related earth-moving activities, all such finds shall be subject to Section 106 of the National Historic Preservation Act as amended (36 CFR Part 800). Specifically, procedures for post-review discoveries without prior planning pursuant to 36 CFR § 800.13 shall be followed. All work within 50 feet of the find shall be halted until a professional archaeologist meeting the Secretary of the Interior's qualifications (36 CFR Part 61), or paleontologist if the find is of a paleontological nature, can assess the significance of the find in consultation with the BIA and other appropriate agencies. If any find is determined to be significant by the archaeologist or paleontologist and project

⁵⁴ *Id.*

proponent, a BIA representative shall meet with the archaeologist or paleontologist and project proponent to determine the appropriate course of action, including the development of a Treatment Plan and implementation of appropriate avoidance measures or other mitigation.

This mitigation measure again excludes culturally affiliated tribes from the process, providing us no role in assessing the significance of a find or in developing a Treatment Plan or other appropriate course of action. To add insult to injury, the project proponent *is* guaranteed a voice in this process, merely because they are another Indian tribe.

Mitigation Measure B also fails to identify and incorporate applicable federal law from the Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Preservation Act (ARPA). NAGPRA provides a process for determining the ownership and control of Native American cultural items discovered on tribal lands.⁵⁵ ARPA also imposes a number of relevant requirements, including prohibiting the unauthorized evacuation, removal or damage of archaeological resources on Indian lands.⁵⁶

Lastly, Mitigation Measure B fails to provide a clear explanation or description of how archaeological materials will be treated. While it refers generically to a Treatment Plan, it should specifically require that an Archaeological Research Design and Treatment Plan (ARDTP) be authored to guide archaeological evaluation and mitigation measures. The ARDTP should follow *Guidelines for Archaeological Research Designs* published by the California State Office of Historic Preservation and be reviewed by the BIA and all tribes that requested to be a consulting party. Moreover, the ARDTP should be in place prior to commencing any ground-disturbing construction activities, rather than waiting until a discovery occurs. None of that has happened despite ground disturbance already occurring without tribal consultation.

Cultural Resource Mitigation Measure C provides that:

If human remains are discovered during ground-disturbing activities a BIA representative shall be contacted immediately. No further disturbance shall occur until the BIA representative has made the necessary findings as to the origin and disposition. If the remains are determined to be of Native American origin, the BIA representative shall notify a Most Likely Descendant. The Most Likely Descendant is responsible for recommending the appropriate disposition of the remains and any grave goods.

Again, this mitigation measure entirely fails to identify and incorporate applicable federal law and, confusingly, incorporates a California state law process that does not apply to tribal trust lands, but does apply to the land as it is now in fee status. Similar to the prior mitigation measure, NAGPRA provides the process for determining the ownership and control of Native American human remains discovered on tribal lands. That process includes a priority for *known* lineal

⁵⁵ 25 U.S.C. § 3002(a); 43 C.F.R. § 10.4.

⁵⁶ 16 U.S.C. §§ 470aa-470hh; *See also* 43 C.F.R. § 7.4.

descendants of a deceased Native American individual who has been *identified*.⁵⁷ In contrast, the “Most Likely Descendant” procedures under California state law are a separate process and do not require the same degree of identification and connection between the deceased and the descendant.⁵⁸ Moreover, and echoing the pitfalls of the first two mitigation measures, the culturally affiliated tribes are ignored in this mitigation measure and offered no voice or rights in the disposition of our own ancestors.

With regards to the second and third mitigation measures, the incorporation of federal law drives home the most concerning, indeed significant, impact of all: if the land is accepted into trust, Koi will be afforded superior rights to Dry Creek and other Southern Pomo tribes if any cultural resources or human remains are inadvertently discovered during or after the construction of the Project. By establishing trust land in Southern Pomo territory, the BIA would grant Koi custodial priority of human remains or objects are found on our lands. We cannot imagine it was Congress’ intent to create such an unjust scenario, but Congress likely was not envisioning a scenario where a tribe would acquire trust lands outside of its aboriginal territory and in the aboriginal territory of other tribes.

We reserve the remainder of our comments for confidential tribal consultation through the Section 106 process. Nonetheless, we believe it is important that the BIA, and the public, understand that: 1) contrary to what the EA states, meaningful and complete tribal consultation was *not* conducted prior to the publication of the EA; 2) tribal cultural resources on the property have not been properly analyzed; and 3) the proposed mitigation measures were designed without the input of the culturally affiliated tribes and are woefully inadequate for protecting our cultural resources. The BIA’s decision to hold out the EA for public review and input, even though BIA knew critical information was forthcoming on cultural resources, is misleading to the public, and it allowed inappropriate public disclosure of tribal cultural resources. As detailed above, there are substantial questions regarding the adequacy of the BIA’s evaluation of cultural resources, the significance of the project’s impacts on those resources, and the efficacy of the proposed mitigation measures. As such, a full EIS must be prepared.

5. Fire Risk and Evacuation

The EA does not adequately address the impacts the Project would have on the critical issues of fire safety and wildfire evacuations. The proposed casino-resort would bring thousands of daily visitors to a site that Sonoma County has already determined to have a “high” risk of wildfire.⁵⁹ Indeed, the Project site is situated *within a half mile* of the burn perimeter of *both* the Tubbs Fire (2017) and the Kincade Fire (2019)—two of the most devastating wildfires in all of

⁵⁷ See 43 C.F.R. §§ 10.2(b)(1) (defining “Lineal Descendant”), 10.4(e) (providing the process for inadvertent discoveries on tribal lands), 10.6 (providing the priority of custody).

⁵⁸ See California Public Resources Code § 5097.98.

⁵⁹ EA at Fig. 3.12-2.

California history.⁶⁰ Despite the significant risk to human safety inherent in operating such a large casino facility in such a high- risk location, the EA fails to specify how basic fire protection services would be provided and incorrectly concludes that the Project would have no significant impact on wildfire risk and evacuations for the surrounding area.

While the Project site for Alternative A is located within the jurisdiction of the Sonoma County Fire District (SCFD), the SCFD has *not* agreed to provide any particular level of service to the Project Site. The EA primarily relies on a letter of intent between Koi Nation and SCFD to conclude that impacts to fire protection and emergency medical services would be reduced to less than significant.⁶¹ But this bare-bones, one-page letter does not remotely constitute an emergency services plan. Rather, the letter merely states that a Memorandum of Understanding (MOU) between Koi Nation and the SCFD is a *possibility* given the parties' intention "to *negotiate* in good faith an agreement for fire and emergency services."⁶² No specific terms of the potential MOU are outlined—and thus no promise to provide any particular services can be read into the letter, a point that the parties themselves make crystal clear: "In the absence of a duly executed MOU, the Fire District shall have no duty or obligation to provide services to the [Koi] Nation for its proposed gaming facility... ." There is no reasonable basis on which the BIA could conclude that an unnegotiated, undrafted MOU provides an effective mitigation measure.

Nor is Koi required by the EA to ultimately enter into an MOU. The cited mitigation measures only require Koi to "make good faith efforts" to execute such an agreement.⁶³ Recognizing that Koi has no agreement with SCFD and is not actually required to enter into one, the EA points to an even more speculative back-up plan: if Koi does not enter into a service agreement with SCFD, then it must build and staff a fire station in the "treatment area" of the Project site.⁶⁴ But the EA does not attempt to explain how it determined that the on-site fire station is sufficient to meet the fire protection and emergency services needs of the Project. Moreover, no specifications or building plans for such a station are evaluated (or even described) in the EA, nor is there any discussion of how a fully equipped fire station might impact the design and environmental impact of the overall treatment area. Without that analysis, the EA's analysis of the impacts of the "treatment area" infrastructure is under-developed and deficient.

6. Socioeconomics/Environmental Justice

The EA focuses on the fact that the Lower Lake Koi Nation owns the one home that is on the site, however it has only owned the property for a brief period of time. The area could have been the site for future homes, particularly since the area is facing a critical housing crisis since several fires severely impacted the already limited housing that is available to families in Sonoma County. Ultimately, the Dry Creek Rancheria is a tribe with a significant tribal population in

⁶⁰ EA at 3-109, Fig. 3.12-2.

⁶¹ EA at 3-89.

⁶² Appx. O, emphasis added.

⁶³ EA at 4-8.

⁶⁴ *Id.*

Sonoma County (as are the other six Sonoma County tribes). Our tribal members are in desperate need of housing and this Proposed Project will only hurt our tribal member families. We have a significant amount of information that shows over 75% of our Tribe are considered low income for Sonoma County.

We have been working, at considerable time and expense to provide housing for our membership, however the number of affordable homes in Sonoma County is not able to meet the needs of our citizens, approximately 700 of which live in Sonoma County. An EIS is the appropriate level of study for this reason.

I. CONCLUSION

The Tribe appreciates the opportunity to submit this public comment and looks forward to meeting with the BIA to address our concerns, In the spirit of that commitment, we request a meeting with BIA to discuss our concerns since we were not given the opportunity to participate in a public scoping meeting for a more appropriate EIS. Thank you for considering our comments. If you have any questions about this letter, please contact Michelle Lee, at (916) 809-8900 or michelle@thecirclelaw.com.

Sincerely,



Chris Wright, Chairman
DRY CREEK RANCHERIA BAND OF POMO INDIANS

From: Andy Mejia <andymejia@lyttonrancheria.com>
Sent: Friday, March 29, 2024 4:03 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Dutschke, Amy <Amy.Dutschke@bia.gov>; Larry Stidham <larry@stidhamlaw.biz>; Tristan G. Stidham <TStidham@hobbsstrauss.com>
Subject: [EXTERNAL] Lytton Rancheria - NOI Comments - Koi Nation Fee-to-Trust and Casino Project

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Good Afternoon Mr. Chad Broussard,

Attached to this email you will find NOI Comments for the Koi Nation Fee-to-Trust and Casino Project. If you have any questions or comments please feel free to contact me at your convenience.

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LYTTON RANCHERIA • Lytton Band of Pomo Indians



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(707) 575-5917 • Fax (707) 575-6974

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Via email to: chad.broussard@bia.gov

Re: NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke:

The Lytton Rancheria of California, also known as the Lytton Band of Pomo Indians ("Lytton"), is a federally recognized Indian Tribe with a reservation located in Windsor, California. As we noted in our previous comments calling for this Environmental Impact Statement ("EIS"), Lytton opposes the Koi Nation's application to acquire 68 acres of land in trust for a casino and resort on the Project Site. The Project Site is near the Town of Windsor in Sonoma County, California, which is approximately 50 miles from the Koi Nation's homeland in Lake County, and well outside the Koi Nation's ancestral territory. Lytton submits these comments in the hope that the EIS will properly address and examine the grave concerns of our Tribe.

In our previous comments, Lytton identified several issues and concerns that were inadequately addressed in the Environmental Assessment ("EA") released by the Bureau of Indian Affairs ("BIA") in September 2023. We therefore appreciate the determination that an EIS is necessary to properly consider the risks posed by the project and request that the final EIS include meaningful analysis of those issues and concerns. In particular, we ask that the EIS analyze additional traffic and evacuation delays that will be imposed by the construction of the project and then the delays incurred by its full-fledged operation. We also ask that the EIS identify the stringency and reliability of mitigation measures proposed by the Koi Nation, and what recourse would be available if agreements with the state and county for the implementation of these measures are not made or abided by, as they seem to be non-binding. Finally, we ask (1) that proper consideration be given to the graves, remains and artifacts of the local Tribes, (2) that the EIS require monitors and leaders from the local Tribes to be involved during the development of any approved project, and (3) that the local Tribes be given notification if their artifacts or remains are disturbed during the process.

Wildfire and Traffic Concerns

The previously conducted EA concluded that the effects on traffic and evacuations in the case of wildfire would be "less-than-significant." We believed these conclusions to be improbable, and ask that an EIS properly weigh all possible contributing factors as concerns traffic and evacuation delays, and reach realistic conclusions, whatever they may be.

As was noted in the EA, the area near the Project Site is at a very high risk of wildfires, which in the last decade have burned hundreds of thousands of acres in Sonoma County. The construction and operation of a casino and hotel is certain to attract thousands of additional people including patrons, guests, employees and contractors. Examination of the impacts this will have on the daily commute of Windsor and Sonoma County residents should be included in the EIS, as well as the ability of first responders to reach the project and surrounding areas in cases of emergency, not just for wildfires.

Examination should also be done for the time to evacuate the construction site itself, including the multitude of contractors and employees that will be present. Additionally, procedures should be in place for the removal of items that could contribute to the growth of a wildfire while the site is being evacuated, such as fuel loads. Further study should be included into what project measures/designs can be introduced to limit the danger and threats to the surrounding residents, including alternative materials. Analysis and discussion should be conducted on what happens if the Koi Nation opts not to utilize such materials and methods, as well as possible recourse.

The EIS must also include the new Lytton Rancheria homeland in evacuation considerations. In particular, consideration must be given to how long it will take to evacuate the homeland, and the broader delay this will have on the evacuation timeline for the Town of Windsor as a whole. After decades of being homeless and displaced, Lytton was able to move 146 families into homes on tribal land. This project was only recently completed, but evacuating it will be a significant undertaking and a great burden for the Tribe in the event of wildfire. If an evacuation becomes necessary, the residents of the homeland will be among those forced to flee across Windsor and travel south on Route 101. They will be directly impacted and threatened by the delay the Koi Nation's Proposed Project will impose which could very well result in greater injury and loss of life.

Further, the delay caused by the casino and hotel, however long it may actually be, must be analyzed in terms of weighing the economic benefit to the Koi Nation against the potential loss of life and economic damage incurred by the delay. The EA, which failed to consider a number of present factors that will add to the evacuation timeline, estimated the project would add hours to an evacuation in conditions similar to the recent 2019 Kincadee Fire in Sonoma County. This could result in hundreds of additional deaths, and the decimation of the Lytton Rancheria. We also feel that it is worth pointing out that in 2017, Windsor saw the even more destructive Tubbs Fire, which ravaged the nearby City of Santa Rosa and resulted in dozens of deaths, approximately 5,000 destroyed structures, and over a billion dollars in estimated damages. As such, the tradeoffs of any evacuation delays imposed by the Proposed Project should be identified, calculated and discussed.

Concerns About Lack of Enforceability of Mitigation Measures and Incomplete Evacuation Estimates

The EA's conclusions about traffic and evacuation delays also assumed future actions taken not only by the Koi Nation, but by third parties including the Town of Windsor, Sonoma County, and CalTrans. In the absence of any waivers of sovereign immunity or signed agreements, these presumed actions are speculative with limited means of enforcement. Further, we are still not aware of any measures the BIA is taking to ensure the Koi Nation implements these best practices and follows through on mitigation measures.

The EA stated that the Koi Nation was to make "good faith efforts" to comply with off-site roadway improvements, and to reduce traffic impacts, while acknowledging such measures were not controlled by Koi Nation, but instead are largely under the control of the Town of Windsor and Sonoma County. Necessary improvements include the conversion from split phasing to protected phasing at the Shiloh Road and Old Redwood Highway intersection, the restriping of various approaches and off ramps, the signaling of intersections and the optimization of splits and cycle lengths for intersections. Most vitally, they also include the widening of Shiloh Road to four lanes at certain sections. The EIS must analyze additional delays that will be incurred if these improvements are not made. It should also estimate what these delays will resemble over years and decades if they are never made and the casino and resort is in operation.

The EIS should also include estimates for the possibility that the Koi Nation fails to implement adequate on-site evacuation procedures. As we have noted there are no waivers of sovereign immunity nor means of ensuring compliance with the procedures and measures that are being set forth. As such, the EIS should include time estimates for a chaotic evacuation of the casino and the surrounding area.

Groundwater and Environmental Concerns

As Lytton had expressed previously, the EA's analysis of the potential effects on groundwater in the surrounding area was also concerning. We would ask that the EIS include discussion of what will occur if project wells are drilled and there are not impervious clay layers separating aquifer zones on the project site. The EA stated that additional site-specific data was needed to ensure there wouldn't be significant impacts to off-site wells, as well as to confirm the hydraulic separation between the upper and lower aquifers under the project site. We ask that the EIS obtain the necessary data to confirm these scenarios or alternatively include discussion of the impacts that will ensue if there is not sufficient hydraulic separation for the aquifers, as well as what can be expected if there are significant impacts to off-site wells. We also propose that there be sufficient reimbursement to homeowners who incur replacement or rehabilitation costs to their wells as a result of the operation of the Proposed Project, with a reasonable burden of proof in order for them to be able to receive these reimbursements.

The EIS should further consider the ensuing environmental damages if the Koi Nation does not implement the Best Management Practices that the EIS outlines. This includes the

potential discharge of hazardous materials and pollutants, and possible environmental harms that would be caused to the surrounding area and protected sites, such as Pruitt Creek. Additionally, analysis should be conducted regarding the likelihood of a wildfire beginning at or exponentially growing from contact with the project site, and the risks of this occurring in the absence of reasonable mitigation efforts from the Koi Nation. Finally, any BMPs and mitigation measures that the EIS outlines should, as much as possible, be based on plans and reports that have actually been conducted, not those which are merely speculated or presumed. Since there is no means of ensuring that the Koi Nation adopt such measures, these harms are a real possibility and analysis should be conducted on the harms to the residents of Sonoma County if they ensue.

Cultural and Paleontological Resources

The EA noted the potential for significant cultural resources being buried beneath the Project Site and provided for the presence of Koi Tribal Monitors. We once again reiterate that the Koi Nation is not indigenous to Sonoma County, but is rather a Southeastern Pomo Tribe indigenous to Lake County. It is imperative that any and all assessments of cultural or archaeological effects of the Proposed Project occur with input and guidance from local Southern and Southwestern Pomo Tribes actually indigenous to Sonoma County with ancestral territory in the vicinity of the Project Site as it will be their ancestors and artifacts that are disturbed by the Project Site, not the Koi Nation's.

We would also like to propose an alternative project for the EIS, whereby the Koi Nation moves forward with a casino and resort such as the Proposed Project, but located in Lake County.

Conclusion

We appreciate the BIA's decision to require that a more in-depth Environmental Impact Statement be conducted in regards to this project, and the Lytton Rancheria is thankful for the opportunity to provide comment. We again emphasize our concerns that allowing a Tribe from Lake County to establish this Proposed Project will impinge on the Tribal sovereignty of Sonoma County Tribes and also dramatically increase the likelihood of disaster for the Town of Windsor and the Lytton Rancheria in the event of a wildfire. We hope that the EIS will fully and properly analyze all the risks and benefits of the Proposed Project.

Sincerely,



Andy Mejia
Chairperson
Lytton Rancheria of California

From: Bethany Sullivan <bsullivan@jmandmplaw.com>
Sent: Monday, April 8, 2024 11:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Greg Sarris <GSarris@gratonrancheria.com>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

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Hello Chad,

On behalf of my client, the Federated Indians of Graton Rancheria, I submit the attached letter on the scope of the Environmental Impact Statement for the Koi casino project. Please reach out if you have any questions.

Best,
Bethany

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April 8, 2024

Via Electronic Mail: chad.broussard@bia.gov

Amy Dutschke, Regional Director
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2800 Cottage Way
Sacramento, CA 95825

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

Re: Graton Rancheria NOI Comments, Koi Nation Fee-to-Trust and Casino Project

Dear Ms. Dutschke and Mr. Broussard,

On behalf of the Federated Indians of Graton Rancheria (FIGR or the Tribe), I submit these scoping comments on the Koi fee-to-trust application for a gaming project outside Windsor, California. On March 8, 2024, the Bureau of Indian Affairs (BIA) published its Notice of Intent (NOI) to prepare an Environmental Impact Statement (EIS), providing the public 30 days to submit comments on the appropriate scope of environmental issues to be considered.¹ As you know, the BIA had previously issued a draft Environmental Assessment (Draft EA) for the same project.² The Tribe, and many other members of the public, submitted comments expressing alarm that a project of this scale will result in numerous significant environmental impacts and therefore requires a full EIS. We thank BIA for listening to our concerns and deciding to move forward with an EIS. We also ask BIA to make publicly available the comments previously submitted on the Draft EA so that the public may better understand the issues already identified.

¹ BIA, Notice of Intent to Prepare an Environmental Impact Statement for Koi Nation's Proposed Shiloh Road and Casino Project, Sonoma County, California, 89. Fed. Reg. 16782 (Mar. 8, 2024) (hereinafter referred to as the NOI).

² See BIA, Draft Environmental Assessment for the Koi Casino (Sept. 12, 2023) (hereinafter referred to as the Draft EA).

As we have repeatedly and emphatically stated, this project site is located in our ancestral territory. Our Tribal Citizens and employees live in the vicinity of the project. Therefore, we are deeply invested in the BIA's thorough and objective analysis of the project's impacts. We generally agree that the issue areas identified in the NOI must be considered. These include: land resources; water resources; air quality; noise; biological resources; cultural and paleontological resources; socioeconomic conditions/environmental justice; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomics; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects. Further, we incorporate by reference our original scoping letter, dated June 27, 2022, and our comment letter on the Draft EA, dated November 13, 2023. All of the environmental issues outlined in our letters remain critical concerns and as we particularly identified in the November 13, 2023 letter, the BIA must do additional analysis of proposed mitigation measures.

In this letter, we wish to elaborate on two specific issues: 1) the range of reasonable alternatives, which should include at least one Lake County site for the proposed gaming facility, and 2) the indirect and cumulative effects of the Department's "restored lands" determination on cultural resources throughout Sonoma County.

I. Reasonable Alternatives

NEPA requires the BIA to consider reasonable alternatives that are "technically and economically feasible, and meet the purpose and need for the proposed action."³ As we explained in our Nov. 13, 2023 letter, the draft EA acknowledged that the Koi Nation's aboriginal territory is in Lake County, yet did not consider an alternative project site that is actually within Lake County.⁴ The BIA provided a cursory explanation for why it eliminated alternative project sites in the BIA's September 2022 Scoping Report, which stated that Koi Nation has submitted "substantial evidence to the BIA regarding its lengthy and thorough evaluation of alternative sites" but that it is "highly speculative" that alternative locations could support an economic enterprise that would fund the tribal government, or that the Koi Nation could even purchase property in those unspecified alternate locations.⁵ The Scoping Report did not include any of the data submitted by Koi nor did it specify whether sites within Koi Nation's aboriginal territory were evaluated. It referenced a more detailed explanation in a separate "Alternatives Evaluation Report," but no such report has been disclosed to the public.⁶

³40 C.F.R. § 1508.1(z).

⁴ See Draft EA at 1-2.

⁵ See Scoping Report at 13.

⁶ *Id.* at 8, 12.

Dismissing alternative sites due to technical or economic feasibility is not supported by the record. It is not “highly speculative” to claim that Lake County is a viable location for a casino capable of funding tribal government, as four tribal casinos are currently in operation there.⁷ While competition from the other casinos may affect the amount of revenue the project could expect, the same assumption can be made for the proposed Project as there are two other tribal casinos in Sonoma County, as well as nearby casinos in Mendocino County.⁸ Further, a brief internet search reveals that the median property value in Lake County is substantially lower than in Sonoma County, making investment in Lake County more affordable.⁹ Moreover, there are currently available sites in Lake County that are well situated for tourism and large-scale development.¹⁰ Without providing any market data, it is not reasonable for the EA to eliminate consideration of a project site in Lake County due to economic or technical feasibility.

Neither is elimination of a project site in Lake County reasonable due to regulatory feasibility. The Indian Gaming Regulatory Act requires the Koi Nation to demonstrate a “significant historical connection” to a site for it to be eligible for gaming.¹¹ Certainly, a project site in Koi Nation’s aboriginal territory is no less regulatorily feasible than the proposed Project site outside Windsor. In fact, as we have repeatedly raised, the Koi Nation cannot demonstrate a “significant historical connection” to the Project site, specifically, or Sonoma County, generally.¹² To summarize, Koi Nation is a Southeastern Pomo tribe aboriginally from Lake County, whereas Sonoma County is the aboriginal territory of Southern Pomo and Southwestern Pomo (also known as Kashaya) speaking tribes. Nonetheless, the Koi Nation claims it has a significant historical connection to Sonoma County based on the relocation of certain Koi families from Clear Lake to the Sonoma County area in the 1900s, as well as the use of seasonal

⁷ See California’s Clean Air Project, County List of Casino, <https://www.etr.org/ccap/tribal-casinos-in-california/county-list-of-casinos/> (last visited Nov. 7, 2023).

⁸ *Id.*

⁹ See, e.g., National Association of Realtors, County Median Home Prices Q1 2023 (providing that the median home price in Sonoma County is \$818,928, whereas the median home price in Lake County is \$350,835), <https://www.nar.realtor/research-and-statistics/housing-statistics/county-median-home-prices-and-monthly-mortgage-payment> (last visited Nov. 8, 2023).

¹⁰ See, e.g., [https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdck!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q\\$](https://www.sothebysrealty.com/eng/sales/detail/180-1-518-4pnknt/5115-east-highway-20-nice-ca-95464_!!ivohdck!lnmr8coobvsym3p9hsfe79akfz-33kspwo_ds15wmmryk5m6bu9ykmzkvtlco0geqso5v5che9fjd8bteate7jax5q$) (57-acre property on the northeastern shores of Clear Lake, with existing buildings, infrastructure, and winery); <https://www.loopnet.com/Listing/6051-Ridge-Rd-Lakeport-CA/30829762/> (312-acre largely undeveloped property on southern side of Clear Lake near Lakeport).

¹¹ The Koi Nation must demonstrate it has a “significant historical connection” to the Property in order for the Property to qualify as “restored lands” pursuant to 25 C.F.R. § 292.11(b). “Significant historical connection” means “the land is located within the boundaries of the tribe’s last reservation under a ratified or unratified treaty,” or—as relevant here—by “historical documentation [of] the existence of the tribe’s villages, burial grounds, occupancy or subsistence use in the vicinity of the land.” 25 C.F.R. § 292.2.

¹² See The Federated Indians of Graton Rancheria Response to the Koi Nation’s Request for a Restored Lands Opinion (submitted to BIA on Jan. 31, 2024); Graton Rancheria Comments on the Koi Casino Environmental Assessment at 7–10, 25–28 (submitted to BIA on Nov. 13, 2023); Graton Rancheria Scoping Comments on the Koi Casino Proposal at 3–4 (submitted to BIA on June 27, 2022).

trade routes through Sonoma County.¹³ The Department has already determined that “relocation of some of [a tribe’s] members to various locales throughout the Bay Area does not equate to the [tribe] itself establishing subsistence use or occupancy in the region apart from its Rancheria”¹⁴ and that “evidence of the [tribe’s] citizens’ movements as late as the 1960s is more of a *modern* era activity, as opposed to *historic*, as those two terms are used in the Part 292 regulations.”¹⁵ Further, the Department has held, in the context of denying a different Lake County tribe’s restored lands request, that it “cannot establish its subsistence use or occupancy based on the fact that its ancestors traveled to various locations to trade and interact with other peoples and then returned to the Clear Lake Region;” rather, the Department found that “[s]ubsistence use and occupancy requires something more than a transient presence in an area.”¹⁶ Accordingly, the BIA should consider alternative project sites that are actually within Koi Nation’s aboriginal territory, as the BIA has done for similar projects.¹⁷

II. Consideration of Cultural Resources in Indirect & Cumulative Effects

The BIA must consider both the indirect and cumulative effects of the proposed action. The Council on Environmental Quality (CEQ) regulations define indirect effects as those “caused by the action, [and] later in time or farther removed in distance, [but] still reasonably foreseeable.”¹⁸ The CEQ regulations further define “cumulative effects” as “the incremental effects of the action when added to the effects of other past, present, and reasonably foreseeable actions.”¹⁹ The Draft EA completely failed to consider both the indirect and cumulative effects of this proposed federal approval on the rights and ability of culturally affiliated Southern Pomo tribes to protect their cultural resources and ancestors, both at the site and in the surrounding area, and to engage in co-stewardship and the sharing of Traditional Ecological Knowledge (TEK).

¹³ See Koi Nation of Northern California, September 13, 2021 Request for Restored Lands Opinion, March 2023 Supplemental Restored Land Request, and July 2023 Second Supplemental Restored Land Request, and accompanying exhibits, available at <https://www.koinationsonoma.com/documents/> (last visited Nov. 8, 2023).

¹⁴ Decision Letter from Assistant Secretary – Indian Affairs Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 19 (Sept. 1, 2011).

¹⁵ Decision Letter from Acting Assistant Secretary – Indian Affairs Donald E. Laverdure to the Honorable Donald Arnold, Chairperson, Scotts Valley Band of Pomo Indians at 18 (May 25, 2012) (discussing the relocation of individual Band members during the 1920s and 1960s) (emphasis in original).

¹⁶ Decision Letter Assistant Secretary Larry Echo Hawk to the Honorable Merlene Sanchez, Chairperson, Guidiville Band of Pomo Indians at 14 (Sept. 1, 2011).

¹⁷ See, e.g., 2016 Wilton Rancheria FEIS, Section 2 – Alternatives (Dec. 2016) (considering, among the alternatives, the tribe’s historic rancheria site which was no longer held in trust); Dep’t of Interior, Record of Decision for Trust Acquisition of the 40-acre Yuba County Site in Yuba County, California, for the Enterprise Rancheria of Maidu Indians of California (Nov. 2023) (incorporating the Final EIS and considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for the tribe); BIA, Final Environmental Impact Statement, North Fork Rancheria of Mono Indians (Feb. 2009) (considering, among the alternatives, the tribe’s historic rancheria site which was held in trust for individual North Fork members).

¹⁸ 40 C.F.R. § 1508.1(g)(2).

¹⁹ 40 C.F.R. § 1508.1(g)(3).

In order for the Department to approve this application, the purpose of which is to conduct gaming, the Department must make a determination pursuant to the Indian Gaming Regulatory Act (IGRA) restored lands exemption. As we have explained, the restored lands exemption requires the applicant tribe, here the Koi Nation, to have a “significant historical connection” with the proposed gaming parcel, such that the Department’s acquisition of the land in trust for the Koi Nation would constitute a “restoration” of the Koi Nation’s tribal lands. The IGRA regulations further define “significant historical connection” as “the land is located within the boundaries of the tribe's last reservation under a ratified or unratified treaty, or a tribe can demonstrate by historical documentation the existence of the tribe's villages, burial grounds, occupancy or subsistence use in the vicinity of the land.”²⁰ The concept of “significant historical connection” is intrinsically wrapped into the concept of “cultural affiliation”—that is, a tribe’s subsistence methods, cultural practices, belief systems, and traditional ecological knowledge are rooted in the geographic area where a tribe was historically located.

A federal decision rubber stamping the Koi Nation’s claim of a significant historical connection to the Russian River Valley will affect the cultural resource rights of the local tribes in a host of other contexts. For example, NAGPRA requires that the ownership and control of Native American remains and cultural items discovered on Federal or tribal lands shall reside with the following, in order of priority:

- the lineal descendants of the Native American (if known);
- the Indian tribe on whose tribal land such objects were discovered;
- the Indian tribe which has the closest cultural affiliation with such remains or objects.²¹

This is of course alarming because it means any cultural resources or human remains found on the Shiloh Parcel—either during the construction of the Project or at any point in the future—would, assuming no lineal descendant is identified, belong to the Koi Nation. This is so despite the fact that those cultural resources and ancestors are from the Southern Pomo people and should rightfully belong to a Southern Pomo tribe.²² If, following the BIA approval of this initial acquisition, Koi Nation acquires additional trust land in Sonoma County, which seems highly foreseeable, it will have priority rights to all cultural resources and ancestors on *those* properties. Moreover, for any federal lands in Sonoma County, the Koi Nation can make the argument that it is culturally affiliated and therefore make a claim those cultural resources or human remains, to the detriment of the local, culturally affiliated tribes.

Similarly, there are many institutions in the Bay Area with collections that include Southern Pomo human remains, funerary objects, sacred objects, and objects of cultural patrimony that are subject to repatriation under NAGPRA. A tribe may submit a repatriation

²⁰ 25 C.F.R. § 292.2.

²¹ 25 U.S.C. § 3002(a).

²² ARPA reinforces this rule by providing that “Archaeological resources excavated or removed from Indian lands remain the property of the Indian or Indian tribe having rights of ownership over such resources.” 43 C.F.R. § 7.13.

claim based on its “cultural affiliation” with the remains or object.²³ The NAGPRA regulations define cultural affiliation as “a reasonable connection between human remains or cultural items and an Indian Tribe or Native Hawaiian organization based on a relationship of shared group identity...[which] may be identified clearly by the information available or reasonably by the geographical location or acquisition history of the human remains or cultural items.”²⁴ The regulations further explain that the relevant types of evidence for determining cultural affiliation specifically include historical and geographical evidence.²⁵ If the Koi Nation’s application is approved and the federal government determines it has a “significant historical connection” with some or all of Sonoma County, it opens the door for Koi to make competing NAGPRA claims for *our* ancestors and cultural resources, further muddying an already incredibly long and difficult repatriation process.

Similar implications arise under a myriad of other federal laws and policies that provide for tribal consultation, consultation, and co-stewardship. This Administration has been a leader in uplifting the recognition and incorporation of Traditional Ecological Knowledge (TEK) and the essential role tribes should play in co-stewardship of public lands. For example, the *Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters* provides a framework for the U.S. Department of the Interior and the U.S. Department of Agriculture to manage lands and waters in a manner that protects the “treaty, religious, subsistence and cultural interests” of tribes.²⁶ This includes pathways to co-stewardship over federal lands and waters, as well as the incorporation of TEK into federal management decisions, both of which involve the foundational question of which tribe(s) are the proper stewards and hold the relevant TEK for a particular area. Additionally, the White House has issued broader guidance to all federal departments and agencies on respecting and incorporating indigenous knowledge into federal research, policies, and decision making.²⁷ The White House guidance drives home the quintessential link between TEK and a tribe’s historical presence in and interaction with a particular environment.²⁸ Accordingly, a federal decision to approve Koi’s application on the basis of its significant historical connection claim will undermine the ability of Southern Pomo tribes to utilize federal programs and processes aimed at elevating TEK and stewardship rights for culturally affiliated tribes. This harm will only compound over time as the Koi Nation uses this federal decision as a basis for asserting itself as a “Sonoma County tribe” in all sorts of scenarios.

²³ 43 C.F.R. §§ 10.9(d)(3)(ii) and 10.10(f)(3).

²⁴ 43 C.F.R. § 10.2 (defining “cultural affiliation”).

²⁵ 43 C.F.R. § 10.3.

²⁶ U.S. Dep’t of the Interior, U.S. Dep’t of Agriculture, Order No. 2303 (Nov.15, 2021).

²⁷ *See also* White House Memorandum re: Guidance for Federal Departments and Agencies on Indigenous Knowledge (Nov. 30, 2022).

²⁸ *Id.* at 4 (describing indigenous knowledge as “a body of observations, oral and written knowledge, innovations, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment” and specifically referring to it as a “place-based body of knowledge.”)

Accordingly, BIA must consider these wide sweeping impacts to cultural resources as part of the indirect and cumulative effects analysis.

As a final note on cultural resources, we must reiterate that the BIA should not issue a draft EIS until it has completed National Historic Preservation Act (NHPA) Section 106 review with the consulting tribes, including our own. Otherwise, BIA will repeat the same mistake it made with the Draft EA, resulting in incomplete and misleading information shared with the public. As we explained in our Nov. 13, 2023 comment letter, the BIA cannot assess the significance of impacts to cultural resources without engaging with consulting tribes as to what those resources are, how the project will threaten such resources, and whether mitigation measures could remedy those threats. Accordingly, the BIA must undertake review pursuant to the NHPA and consult with the State Historic Preservation Office (SHPO) and THPOs, including concurrence on the Area of Potential Effects (APE) and necessary identification and evaluation of cultural and historic resources and the project's impacts, *prior to* issuing a draft EIS.

We thank you again for hearing our concerns and hope you will consider them seriously.

Sincerely,

A handwritten signature in black ink that reads "Greg Sarris". The signature is written in a cursive, slightly slanted style.

Greg Sarris
Chairman

Organizations

Rosetti Insurance Agency

576 B St # 2F
Santa Rosa Ca 95401
707-843-4148

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

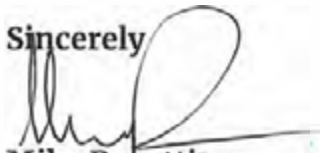
Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely



Mike Rosetti

Hunsaker Insurance Agency

S-02

Auto, Home, Commercial, Boat, Life and Health Insurance

8741 Old Redwood Hwy, Windsor, CA 95492

Phone: (707) 838-9777 Fax: (707) 838-0908

Lic #0687046

September 12, 2023

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, NW
Washington, DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern CA and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, CA.

Approval of this land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,



Brian R Hunsaker

From: hbelmonte@vjbcellars.com <hbelmonte@vjbcellars.com>
Sent: Wednesday, September 27, 2023 9:35 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad, thanks you for accepting our comments and mindset against this project.

There has been so much made of this, yet why are we even at this point.

How can we have a casino, gambling and ALL that goes along with it in a neighborhood regardless of what the land is zoned as.

Chad who in their right mind would allow such an entity to exist in this location? Never mind the traffic or the type of entity. Just think it sits across a baseball league and soccer field park!

Thank you Chad, we know you will do the right thing.

Henry R. Belmonte
“the Big Parm”
VJB CELLARS & WELLINGTON CELLARS
60 Shaw Avenue, Kenwood, CA 95452
c. 707.975.3991 p. 707.833.2300
www.vjbcellars.com | www.wellingtoncellars.com

From: Silvercreek Association Management <support@sc-manage.com>
Sent: Tuesday, September 26, 2023 1:17 PM
To: hbelmonte@vjbcellars.com; sbelmonte@vjbcellars.com
Subject: ACTION REQUIRED - [#XN1451227]

If you would like to respond to this notification, please place your response in between the dotted lines found below:

Shiloh Estates Homeowners:

Subject: Koi Casino- **ACTION REQUIRED**

Shiloh Homeowners,

You may have received a letter in the mail from the Bureau of Indian Affairs regarding the EIR comment period for the proposed casino on East Shiloh Road. It is open now until **October 27** and we ask you to take time to read the information below and send in your comments to the BIA.

Read the documentation that was put forth here:

[Koi Nation of Northern California Shiloh Resort and Casino Project – Environmental Assessment](#)

[us18.list-manage.com](#)

Please share this information with any other neighbors in Windsor that would want to comment. The mitigations are simply not enough to address the impact this casino would have on our safety during a wildfire, our utility resources, wildlife in the area, our property values and our entire neighborhood.

There will be a Zoom on Wednesday, September 27th at 6pm. You must register for the Zoom link here:

[Video Conferencing, Web Conferencing, Webinars, Screen Sharing](#)

[us06web.zoom.us](#)

Thanks. Please direct questions to Our Community Matters
ourcommunitymatters2@gmail.com

Shiloh Board of Directors

Sincerely,

Silvercreek Association Management on behalf of Shiloh Homeowners Association
(916) 877-7793 | www.sc-manage.com

From: Marlene Soiland <marlene@soilandmgt.com>
Sent: Wednesday, October 4, 2023 10:45 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad-

Thank you for the opportunity to comment on the proposed Koi Nation Casino & Resort on Shiloh Road.

I have lived in Santa Rosa my whole life and have always enjoyed the rural residential parts of Sonoma County.

I oppose this project for the following reasons:

1. This neighborhood is rural residential and will be severely impacted by this project.
2. Roads are narrow and used by local residents only – increased traffic will be a huge change to the neighborhood
3. Crime is known to increase around casinos, including calls for emergency response, drugs, prostitution, human trafficking, etc. How are public safety concerns mitigated?
4. There are already 2 other casinos up and operating within 20 minutes of this project
5. Because of their Sovereign status, public resources are used without contributing to their cost
6. The Koi Nation is a small Lake County based tribe whose only claim to this land is use as a walking trail to the coast for fishing – not ownership of the land in Sonoma Co
7. Why should so many people be impacted for the benefit of so few?
8. Tourist dollars will be diverted to gambling rather than supporting existing local businesses
9. The gambling addiction does not need more fuel in Sonoma County
10. This land is zoned for agricultural use and should be kept as fully-productive vineyards
11. Where will the natural resources needed for this development come from? Our water and sewer capacity is already limited.
12. How does a casino support the values and beliefs of the Native American societies when it is so damaging to the natural environment?

Thank you for including my comments in the evaluation of the appropriateness of this project.

Marlene Soiland

What are you grateful for today?

From: Alan Titus <Alan.Titus@RobbAndRoss.com>
Sent: Friday, October 27, 2023 3:38 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation EIS

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard:

Attached please find comments on the EIS for the Koi Nation's proposed casino project outside of Windsor.

Alan Titus

Robb & Ross

591 Redwood Hwy, Ste 2250

Mill Valley, California 94941

(415) 332-3831

ROBB & ROSS

JOSEPH W. ROBB A PROFESSIONAL CORPORATION

PHILIP A. ROBB
ALAN J. TITUS
ANNE C. SLATER †
JOSEPH W. ROBB **
**(1926 - 2019)

591 REDWOOD HIGHWAY, SUITE 2250
MILL VALLEY, CALIFORNIA 94941
TELEPHONE: (415) 332-3831
FAX: (415) 383-2074

STERLING L. ROSS, JR. •
•RETIRED

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

October 27, 2023

Ms. Amy Dutschke
Bureau of Indian Affairs
c/o chad.broussard@bia.gov
2800 Cottage Way, Room W-2820
Sacramento CA 95825

Re: Environmental Assessment for the Koi Nation

Dear Ms. Dutschke:

I write to submit comments on the Environmental Assessment for the Koi Nation of Northern California's proposed casino resort project southeast of Windsor.

The County of Sonoma's press release of September 22, 2023, regarding the EIS states, "The county does not have regulatory jurisdiction or decision-making authority over whether a casino opens on land the federal government has taken into trust for gaming for a tribe." This statement is contrary to law, and it appears that the BIA is proceeding under the same mistake of law.

This parcel lies within the borders of the State of California, and is under the legislative jurisdiction of the State. At the time that the State was admitted into the Union (September 9, 1850), the land was privately owned and the Federal government did not reserve exclusive legislative jurisdiction over the site. Nor was the site under Indian occupancy at the time. Nor has the State ceded jurisdiction over the site back to the federal government anytime since its admission. To the contrary, from 1850 to today, the site has been and still is under the plenary jurisdiction of the State of California, subject only to the limited jurisdiction of the Federal government.

Even if the Federal government were to agree to act as a trustee and take this land into trust, that would have no effect on the rightful sovereignty over the site. The State would still have the same plenary legislative jurisdiction, and the Federal government would have the same limited jurisdiction that does not include

Ms. Amy Dutschke
Bureau of Indian Affairs
October 27, 2023
Page 2

any right to allow gambling on the land or to allow building on the land, matters not within the enumerated powers of the Federal government.

The only method for the Federal Government to obtain any further legislative jurisdiction over this site, beyond the powers enumerated in the Constitution, is with the consent of the State of California and cession of jurisdiction by the State. The Federal government has no rights under the Constitution to unilaterally seize jurisdiction from the State and exercise plenary jurisdiction over state land. This is no different than if the Federal government buys land for an office building. The Federal government is still subject to state laws.

Only if the State were to expressly cede its jurisdiction to the Federal government would the Federal government gain the type of sovereignty it is claiming to have. No such request has even been made to the State, let alone been considered by the state Legislature.

For these reasons, the statement by the County is not true, and the project is proceeding under false assumptions.

Sincerely,



Alan Titus

From: Larry Barnum <larrybarnum@aol.com>
Sent: Sunday, November 12, 2023 5:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. Broussard,
Hopefully you will be able to help in protecting and preserving the environmental quality of Sonoma County by denying construction of another casino and continuing to implement reasonable water conservation measures.
I've included a letter from Seniors affected by the decision.
Thanks very much for anything you can do to help the community,

Larry Barnum
HOA Board President
Wikiup Greens,

One attachment • Scanned by Gmail

Larry Barnum
WIKIUP GREENS HOA BOARD PRESIDENT
461 D Las Casitas Ct.
Santa Rosa, CA 95403
(707)225-0905

As the Board President of Wikiup Greens HOA, a 55 and older community, I hear daily the concerns of my equally older, carrying, if not worried neighbors who went through the fires of 2017 and others. We know of the out of control traffic problems, road closures, stalled vehicles, trapped moments, the immovable Redwood Highway, Wikiup Drive, and other stopped side roads and all the collective fears that came with it. Nothing has improved this. With the current construction of multistoried units, at the corner of Shiloh and Old Redwood Highway, the addition of new residents diagonally across from the proposed construction will add to the traffic problem even before any casino.

The environment, the air quality and quality of life in general, will be further impacted with the number of cars of any additional tourists coming to a casino and for the majority of employees who can't afford to live here and must commute.

Sonoma County and Santa Rosa, as well as many other places in California are constantly facing drought conditions. We've been told to get rid of our green grasses, cut back on our water usage. Healdsburg, a few miles north, is under extreme, mandatory water rationing and the removal of lawns. So how can there be any approval for an additional users or aproposed casino, who offers as part of their conservation plan "the incorporation of "Save Water" signs near water faucets throughout the development"? Water consevation would no longer be taken seriously!

Supposedly, Koi Nation has less than 100 members. Not all of them need additional assistance. So why would the relative few potentially ruin this part of a bucolic county of many? Why is another casino needed when there are already two run here by local tribes.

We are not in favor of more construction bespoiling this area, although Alternatice C seems more in keeping with the land use here and Koi Nation's proposed winery.

Thanks for your consideration,

Larry Barnum

From: Amber Ferl <amber@hiraethhomes.com>
Sent: Friday, March 15, 2024 1:54 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom it may concern,

I am writing to speak in opposition to the proposed Koi Nation resort-casino near Windsor, CA. While I am in FAVOR of the Koi Nation being afforded reparations for their mistreatment, the proposed site is NOT the solution.

The Koi Nation are seeking to build in an area that is already in a County with two Casinos. The Graton Casino is only 11 miles from this site and River Rock is 13 miles from this site. In addition to the two existing Casinos, they are looking to build in an area that is surrounded by residential homes and has regional parks next less than a half mile away from the entrance. Our County has had multiple wildfires and trying to evacuate the surrounding areas should there be another fire is a huge risk to the people living directly around that area. A casino in that location would make evacuation nearly impossible.

I strongly urge you to NOT move forward with allowing the proposed Casino to be built at the currently proposed site. This is not what the majority of residents in this County would like to see happen. We appreciate your time and attention to this matter.

Regards,
Amber Ferl

Director of Operations
p: 707.385.7111 m: 707.385.7114 f: 707.416.4158
a: 500 Bicentennial Way, Ste 310, Santa Rosa, CA 95403
w: www.hiraethhomes.com | DRE# 02031941



Office Hours: Monday-Friday 9:00am-4:30pm

From: Lauren Hickey Porcella <lauren@hickeyappraisalservice.com>
Sent: Monday, March 18, 2024 11:26 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Fee-to-Trust and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Re: Statement of Opposition to the Koi Nation Shiloh Resort and Casino Project at 222 E. Shiloh Rd., Windsor

Dear Mr. Broussard:

While we respect the Koi Nation's desire to construct a casino and resort, the agricultural parcel they have selected for their project at 222 E. Shiloh Road, just outside the Town of Windsor, in a residential neighborhood, is not an appropriate site for this use.

- The 68-acre site improved with vineyards is a designated Community Separator. For locals, these vineyards physically and visually mark the end of the Town of Windsor and the beginning of the unincorporated community of Larkfield. Community Separators are lands that function to separate cities and other communities, to contain urban development, and to provide city and community identity by providing visual relief from continuous urbanization. We Sonoma County residents value the physical beauty of our county, and we value our distinct communities within this county. On November 8, 2016 we proved that by passing Measure K with 81.1% approval extending voter protections to Community Separator lands for 20 years. Development as proposed removes this Community Separator.
- Building a casino and resort on this Community Separator is to risk eliminating the identity of two communities (Windsor and Larkfield) which would be merged into one continuous urban development without separation. That is not the lived experience that Sonoma County locals and visitors to Wine Country want. Locals know what visitors come to this county for- to soak up the natural beauty, to take a break from urban development, and to experience the many unique attributes of the 9 cities and 28 unincorporated areas this county has to offer. Please don't allow our Community Separator to be removed thereby merging these two distinct communities and eliminating their individual identities.

- Zoning helps protect communities by creating harmony among uses and keeping incompatible or unsuitable uses from being developed on the wrong sites. The County's zoning for this parcel is LIA (Land Intensive Agriculture) B6 20, Floodway (F1) and Floodplain (F2) Combining Districts, Riparian Corridor 25/50, Scenic Resource (SR), Valley Oak Habitat (VOH). These zoning designations exist to protect the land from inappropriate development because this parcel has unique features and attributes that need our protection.
 - Land Intensive Agriculture zoning is to enhance and protect lands best suited for permanent agricultural use and capable of relatively high production per acre of land.
 - The F1 Floodway Combining Districts provide land use regulation for properties situated in floodways, to safeguard against the effects of bank erosion, channel shifts, increased runoff or other threats to life and property and to implement the provisions of the general plan public safety element. The F1 district applies to properties that lie within the floodway as shown on the most recent Federal Emergency Management Agency (FEMA) maps.
 - The F2 Floodplain Combining Districts are in place to provide protection from hazards and damage which may result from flood waters.
 - The Riparian Corridor combining zone is established to protect biotic resource communities, including critical habitat areas within and along riparian corridors, for their habitat and environmental value.
 - The Scenic Resources Combining District as Community Separator was presented above.
 - The Valley Oak Habitat Combining District exists to protect and enhance valley oaks and valley oak woodlands.

-

This site is simply not intended for commercial development as proposed.

- This part of east Windsor is improved primarily with single-family residential subdivisions and some newer apartment housing interspersed on Old Redwood Highway. The Town of Windsor is a bedroom community where families live and recreate. The type of large-scale development proposed will change this residential community indefinitely for the worse. This development will invite traffic from cities far and wide to drive past the quiet residential neighborhoods, to drive by a community park (Esposti Park) and to arrive at a casino and resort set right in the middle of this residential community. Locals will meet casino traffic as they are trying to go about their daily lives to the grocery store or taking their kids to soccer practice. The absolute worst-case scenario, one too many of us in this

County have unfortunately experienced, would be to meet the casino traffic as we are attempting to run for our lives in the event of a fire.

- As you make the difficult decision about the suitability of this site for a casino and resort in our residential neighborhood, as 40+ year residents of east Windsor, my family asks you to please consider the impacts to the residents living in this community. Recognize the environmental impact such a development would have on this agricultural land. Please consider the traffic and the disruption this development would bring to daily small-town life. Especially consider that this land is our Community Separator and what it does for this community not just physically and visually but emotionally and mentally by marking the end of our unique town and the beginning of the next. Think with compassion on the 26,000 residents in this town that will be forever impacted by this proposed development.

There are sites far better suited than 222 E. Shiloh Rd. to support development of the Koi Nation's casino. And those sites are not in residential neighborhoods.

Please feel free to contact me via e-mail or at the telephone number below with any questions.

Respectfully,

Lauren Hickey Porcella, MAI
Sonoma County native and Commercial Real Estate Appraiser
Hickey Appraisals
1400 N. Dutton Ave., Suite 8
Santa Rosa, CA 95401
Tel: 707-578-1314

From: Padi Selwyn <padi.selwyn10@gmail.com>
Sent: Monday, April 8, 2024 6:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] NOI Comments, Koi Nation Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

April 8, 2024

NOI Comments, Koi Nation Fee-Trust and Casino Project:
Option 3: No ACTION

Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

c/o Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Director Dutschke,

Preserve Rural Sonoma County is an environmental advocacy organization representing 3,000 residents of Sonoma County. We object to the proposed Casino under consideration for the Shiloh, Windsor, neighborhood.

A residential neighborhood is an inappropriate location to build an industrial sized mega-casino, projected to attract 27,000 to 57,000 visitors/day -- 10-20 million visitors a year, as well as 1,000 employees working 24/7 to staff a 200 room hotel, spa and casino.

There is also insufficient transportation infrastructure to prevent gridlock, given the number of expected visitors, and fire evacuation in the event of another catastrophic wildfire would become a nightmare for neighbors, visitors and staff alike. The area adjacent to the proposed Casino was evacuated in Tubbs and Kincaid fires (2019 & 2020). Intense winds are becoming more common in this area. Public safety must be the top priority. Old Redwood Highway and Highway 101 were not built to allow 10+ million additional drivers per year – for daily traffic

use, as well as emergency evacuation. This is simply a matter of life and death for this neighborhood.

The Casino's proposal is to drill additional wells endangering the water table and to have an onsite sewage treatment plant and discharge "treated affluent" into Pruitt creek (which crosses in a protected Riparian Area) is unsustainable. The County has instituted water rationing (increased prices for watering at the wrong time or wrong day) for the last two years. A large hotel, spa and casino including six restaurants will use millions of gallons of water per year.

Please do not allow this environmentally disastrous project, proposed in the wrong location at the wrong time, to bring its destructive impacts to this bucolic neighborhood.

Sincerely,

**Padi Selwyn, Co-Chair
Preserve Rural Sonoma County**

--

Padi Selwyn
(707) 569-6876

**Co, chair, PRESERVE RURAL SONOMA COUNTY
P. O. Box 983
Sebastopol, Ca. 95473**

...

[Message clipped] [View entire message](#)
One attachment • Scanned by Gmail



April 8, 2024

NOI Comments, Koi Nation Fee-Trust and Casino Project:
Option 3: No ACTION

Amy Dutschke, Regional Director
Bureau of Indian Affairs
Pacific Regional Office
2800 Cottage Way
Sacramento, CA 95825

c/o Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

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Please do not allow this environmentally disastrous project, proposed in the wrong location at the wrong time, to bring its destructive impacts to this bucolic neighborhood.

Neighbors to Preserve Rural Sonoma County * A division of Sonoma County Tomorrow, Inc.
PO Box 983 Sebastopol CA 95473 preserveruralsonomacounty@gmail.com

Sincerely,

**Padi Selwyn, Co-Chair
Preserve Rural Sonoma County**

Individuals

From: Linda Bryan <alandlinda6541@sbcglobal.net>
Sent: Tuesday, September 12, 2023 9:22 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi casino/ hotel

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I would like to register an objection to this project. It does not belong in a mostly residential neighborhood. I have lived in Windsor since 1987. Moved here because of the small town country atmosphere. It is slowly changing but this large development does not belong in that area. A family park and residential properties.

In the event of emergency evacuations, there is congested highways and roads as it is now. No one can get out of Windsor because of traffic jams. Too many people for the road systems now.

Due to new construction on the opposite corner from this property and also just down the street another high occupancy apartment complex, there is no room to park already. The streets are full at night of parked cars.

The land is a new purchase and was never owned or occupied by the Koi people. If they in fact have a tribal property in Santa Rosa, the casino resort should be built on that property or perhaps Lake County!!

I have worked for 40 years to buy my property and enjoy this area as a quiet bedroom community of Santa Rosa. Please do not take my enjoyment of my property and home and the enjoyment of others for their property even closer to this parcel .

Please do not approve a casino/resort and the inherent crime and drugs for this area. I have visited other Indian owned casinos and the majority of the workers have not been Indian. The excuse of jobs is not legitimate.

I beg you to keep this casino/ resort in an industrial area, not a residential/ agricultural area. Please show some compassion and understanding for the people who have lived here and made the community what it is now. We had nothing to do with these Koi peoples past hardships and do not deserve to be punished by bringing crime and drugs to our area.

Sent from my iPhone

From: Nancy W JENKINS <nwjenkins@icloud.com>
Sent: Tuesday, September 12, 2023 10:14 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: nancy@dogwoodanimalrescue.org <nancy@dogwoodanimalrescue.org>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

I'm writing to voice my strong objection to ANOTHER casino in our already casino-dense county. The proposed casino is utterly unnecessary. There are multiple casinos in close proximity to the proposed site. The proposed location, in a clearly residential area, is a travesty and makes a mockery of 'environmental planning'. Traffic, infrastructure, hardscape, water, fuel emissions— it's completely inappropriate for the zoning and will cause immeasurable harm.

Sincerely,
Nancy Jenkins

Sent from my iPhone

From: Sean Harrell <seaharrell@gmail.com>
Sent: Tuesday, September 12, 2023 10:11 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

I have been reading the EA this morning about the proposed project. This alarms me at the scope of the project and what is proposed. I do not support this project. If I had to support one alternative it would be 2.4 Alternative D as described on page 2-24. This project is entirely inappropriate for the proposed site. The Koi tribe is located in Lake County. How is this project even proposed on land that is not their homeland? I read 1.3 Background and they are trying to spin a story that this is their homeland. It is not. I will write to my congressman and senators. Thank you.

Regards,

Sean Harrell
seaharrell@gmail.com
707-480-6322

From: Shannon Schiller <slschiller@gmail.com>
Sent: Tuesday, September 12, 2023 10:56 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am outraged that you would consider allowing a casino to be put up next to a state park, a short distance from an elementary school, and right in the middle of a small town. I don't want my children going to school next to a casino. Would you want that Mr. Broussard? Shiloh ridge state park, literally across a small street from the planned casino, is home to a unique environment in Sonoma county, and beloved by the people. The effect on the state park wildlife of a massive building next door would affect wildlife corridors, increase in traffic will affect the air quality near the park, and the noise would drive species away. The people of Windsor are overwhelmingly against this, but you are allowing big money from out of state and decide what happens in a little town. This is the second tribe to put in some kind of resort in our little town. When will it stop? When every inch of available land in Windsor is covered by a casino? I beg you to reconsider and ask the tribe to find a more appropriate location.

Shannon Schiller

From: Steve Gerstle <[REDACTED]>
Sent: Wednesday, September 13, 2023 10:52 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

*** Please redact my personal email address and home address if made public ***

Dear Mr. Broussard,

I live in Windsor and I can certainly understand the need for the Koi to be economically self-sufficient, but that needs to be balanced with the needs of surrounding community in terms of the environment, including economic consequences.

The proposal is many times as large as downtown Windsor with a 400 room hotel, casino, restaurants, bars, spa, event space, over 5000 parking spaces and a 60 foot high parking garage.

Many local merchants are struggling. There is a shortage of available workers, especially in hospitality industries like the Koi will employ to operate and maintain their operations and facilities. This will have a devastating effect on existing businesses that will not be able to compete, as they lack the financial resources and economies of scale that the proposed project will have.

I urge you to consider the needs of all involved.

Regards,
Steven Gerstle
840 Patti Page Court
Windsor, CA 95492

From: Robert Brink <moonsheyn@gmail.com>
Sent: Friday, September 15, 2023 10:24 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Hotel/Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

While I know that you are the Environmental Protection Specialist for the Bureau of Indian Affairs , Pacific Region, I am reaching out to you via this email in the hope that you will pass it on to whomever has the overall capacity to evaluate the economic factors involved in siting the Koi Nation's hotel/casino at its proposed location in Sonoma County.

At this point, Sonoma County has three Indian-owned casinos within a relatively small radius: Twin Pine Casino and Hotel, River Rock Casino and Hotel and Graton Resort and Casino. The Koi proposal would put another hotel-casino within this same radius almost exactly half way between the River Rock and Graton enterprises.

Like demand for anything, the demand for casinos is not infinite. With the opening of Graton Resort and Casino in Rohnert Park, Sonoma County's first Indian casino, River Rock, reported revenues down 50% in 2014. That a fourth casino half way between River Rock and Graton would have adverse, if not fatal, impact on existing enterprises is not hard to imagine. And with Graton's on-going billion dollar expansion, over supply of gambling venues is nearly assured even without the Koi Nation's proposal.

The history of exuberant over-building is rife with examples. Never ending enthusiasm for a good thing has often led to economic disasters (note the current travails of the Chinese housing market). It seems to me that the Bureau of Indian Affairs should evaluate the economic prospects of proposed ventures as well as their probable impact on existing enterprises it has overseen.

The Bureau of Indian Affairs has the responsibility to ensure that enterprises they have sponsored/advocated are not driven out of business by other Indian enterprises that defy market realities. How does it help Native Americans if the Bureau of Indian Affairs allows or promotes exuberant growth that overwhelms demand and that ultimately benefits no one? The three existing Casinos in Sonoma have enough competition among themselves. More could be a disaster for all.

Respectfully,
Robert Brink, MD
6155 Acorn Hill Ln
Santa Rosa, CA. 95403

From: Therese Menzel <tcmarzel@gmail.com>
Sent: Friday, September 15, 2023 8:47 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I continue to be against the development of the Shiloh Resort and Casino. The adjoining residential area is expanding with the new housing being built on the corner of Shiloh Road and Old Redwood Highway. This will increase the already crowded intersection and streets. I use these roads daily and see pedestrians and bicyclists on Old Redwood Highway. The park across Old Redwood Highway from the apartments is well used and generates traffic. The proposed Shiloh Resort and Casino would generate large amounts of outside traffic to this local residential area.

I am not against the Koi Nation seeking to build casinos. I would be against anyone building a large resort in this residential, agricultural area.

I am urging you to reject the proposed Shiloh Resort and Casino Project. Traffic congestion in a residential area, fire evacuations, proximity to parks and playgrounds are the reasons.

Thank you.

Sincerely,
Therese Menzel
1445 Golf Course Drive
Windsor, CA 95492
415-497-7481

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 9/12/2023 3:16 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Eugenia M Casteel

Email

mom23mboys@hotmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

S-I9

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 9/13/2023 8:24 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Sophia Bonanno

Email

sophiabonanno@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 9/13/2023 10:04 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Dingrenio Bautista

Email

dingreniob@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/8/2023 6:31 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Dapsha sherpa

Email

Dapshasherpa@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/8/2023 10:18 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Mestrina Medios

Email

celestinomedios@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 9/10/2023 6:53 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Eric Mak

Email

damak510@yahoo.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: Tisha Zolnowsky <Tisha.Zolnowsky@kp.org>
Sent: Friday, September 15, 2023 3:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am writing to provide comments on the proposed Koi Nation Shiloh Resort and Casino Project.

This casino will force many to move from their forever homes. It will be FIFTY, yep 50!!! Feet from backyard where children and animals play. That vineyard saved our neighborhood by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go?

I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons.

We do us citizens continue to get pushed around by organizations that put their profit before population safety. Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.



So sad

From: Dave Heventhal <d.heventhal@icloud.com>
Sent: Saturday, September 16, 2023 2:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Casino

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Mr. Broussard,

Having witnessed the anti Pomo proposals and the racist rants injected by many Windsor residents some years ago, I wish the Koi good will and I hope the Koi succeed on bringing entertainment, gaming and restaurants to Sonoma County. I apologize for any resentment, undue fear and objections these folks use to prevent this tribe from becoming fine neighbors.

Dave Heventhal
Windsor

D.heventhal@icloud.com
Sent from my iPhone

From: cgolias120@gmail.com <cgolias120@gmail.com>
Sent: Sunday, September 17, 2023 5:01 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Crystal Golias

cgolias120@gmail.com

From Ansonia, CT

EA Comments, Koi Nation Shiloh Resort and Casino

It sounds from the Environmental Assessment there will be a lot of environmental impacts to the site if the project goes forward. The proposed buildings would also cut straight over a river that could be California's water supply. They have been having a lot of droughts and wildfires out there in the last few years. Also, to be considered are where the faults would go through the site for matters of earthquakes, which California is also known for. And it's not even going to provide renewable energy, which I really think should be included.

I think the tribe is choosing a bad site and needs to look elsewhere. The plans also need to be modified to include renewable energy production. I would discourage the State from approving the project.

From: Louise Calderon <louisecalderon338@comcast.net>
Sent: Monday, September 18, 2023 12:54 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to proposed casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The Koi Nation of Lower Lake Rancheria was originally located in Lake County. The Koi Nation has no affiliation with Sonoma County. The Pomo Indians have recently developed a newly constructed housing development within the boundaries of the Town of Windsor. The Koi Nation's proposed site for a casino, winery, convention center, would be located across the road from Shiloh Regional Park which comprises eight miles of hiking trails with a peaceful serenity with nature, and also would border a neighborhood comprised of families. The traffic to be generated by the casino cannot be supported by the roads surrounding it. As evidenced by the Tubbs and Kincaid fires it was a nightmare trying to exit Windsor. We have enough casinos (Graton and River Rock), but not enough open space that generates and encourages natural habitat and an enjoyable family community. PLEASE, no casino/resort on this location.

Louise Calderon, 338 Winemaker Way, Windsor 95492

From: cindy nardi <cjcnardi@gmail.com>
Sent: Tuesday, September 19, 2023 7:24 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, KoiShiloh resort and casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

This is a ridiculous place for this. The noise and traffic will be crazy. And water - we don't have enough water now. They will be able to take as much as they need, which will be astronomical, leaving the rest of us short.

I would think that there are plenty of places outside of the city they would suffice.

Shouldn't residents have a say what goes on in their communities? We have made what Windsor is.

Thank you for your time.

Sent from my iPhone

From: Diane B <joysing@sonic.net>
Sent: Tuesday, September 19, 2023 3:28 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Please Vote No on Shiloh Resort and Casino Project.

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Diane Baines
2417 Appletree Dr.
Santa Rosa, CA 95403

September 19, 2023

Chad Broussard
Bureau of Indian Affairs

Dear Chad Broussard,

I am writing as a concerned Sonoma County resident regarding the proposed development of the Koi Nation of Northern California Shiloh Resort and Casino Project.

This project should find another location.

The proposed project has many concerns, some of which include:

1. High water needs during a tentative time after prolonged drought. We are just coming out of a serious drought situation and with climate change, we need to wisely plan for our water usage. It makes no sense to bring such a high water usage project to this area.
2. Safety. The safety of the residents and of the resort and casino populations in the event of evacuation from wildfire. This area has been impacted by a number of potential and actual wildfires in recent years. We've seen the catastrophic results when there is not enough infrastructure to support a speedy evacuation of a population in the Paradise and Maui fires. We do not want this horror to happen here.

3. Traffic congestion and impact to residential neighborhoods. Traffic is heavy on Hwy 101 currently. The residents of the Shilo area did not sign up for more grid-lock and for their peaceful and quiet neighborhoods to be changed overnight to busy, and high traffic zones.

PLEASE, DO NOT APPROVE THIS PROJECT.

Thank you.
Sincerely,
Diane Baines

From: Jon Bernal <jon.bernal55@yahoo.com>
Sent: Tuesday, September 19, 2023 4:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Terri.bernal@yahoo.com <Terri.bernal@yahoo.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad:

I've lived near this section of Windsor for 30 years. If this casino goes in, I'll move - it's been a good run, but you're going to build a casino and hotel across from a new 350-unit, 5-story apartment building? - a few blocks from ANOTHER apartment building near Hembree? That's not all, they're furiously constructing a large cluster of buildings - perhaps a Memory Center - near the Shell station off Shiloh. Finally - cross the freeway west and they're working on building a quarry / trucking business. All of this is quadrupling traffic on both Shiloh Rd and Redwood Highway: 2-lane highways which will now make driving just like LA - certain times of day you don't drive. I remember my Dad driving through San Jose with me a few years ago. He said, "See those apartment units? Every one has TWO cars." Boy, was he right!

Traffic won't be the only problem through. I'm also concerned about crime. I know a Sheriff who told me that, one year prior to the Graton Casino opening up in Rohnert Park, criminal activity in the area was fairly low. The year Graton opened up, crime began to spike dramatically. Let's face it: it's a Casino - not a church. For starters they serve alcohol. From there flow all the other vices: gambling, drugs, weird people from out of town, violence, etc. All this - where a beautiful vineyard currently sits offering one of the most breath-taking views in Windsor. GONE.

Finally, everyone is shifting to drought-resistant yards (I HATE that look personally). The funny thing is that, thanks to Jerry three-term Brown in 2018, our water restrictions are baked in ... whether rain falls or not - starting in just a few years. I'm sure there will be no extra water usage going on once all these projects in addition to the massive casino complex are completed.

Finally, no offense, but these Indians aren't even from around here. I hear the tribe is in Lake County. I hear they tried to build this a few years ago in Oakland, but they got the brush. Now they're here? Claiming ancestral grounds? Dubious. I don't care what skin color or ancestry is associated with the people building this monstrosity - I just think the whole thing SUCKS!!!!

Sincerely,

Jon Bernal
Windsor Resident

From: Carrie <carrie@cfapromo.com>
Sent: Tuesday, September 19, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

As a long time Windsor CA resident, I have many concerns about the Koi project that they are hoping to build in my small town of Windsor California. As you are well aware, the Koi tribe is not based in any way in the Windsor/Santa Rosa location. When reading the Koi history, they list no ancestral connection to Sonoma county and they acknowledge that the purpose of sovereign land "is to be used to protect culture and traditions and even to know and protect the places where our ancestors were buried." Since none of those criteria relate to the Shiloh proposed plans, the decision against the casino/hotel/event center should be obvious. The Sonoma County Board of Supervisors and tribal councils have asserted that the Koi Nation lacks the necessary significant historical connection to the lands at 222 East Shiloh Road, where the tribe applied with the U.S. Department of the Interior to have the land placed into trust to become sovereign tribal land. As a Southeastern Pomo tribe, the Koi Nation's historic and ancestral lands lie in Lake County. That is over 50 miles from Windsor and the location on East Shiloh Rd. For much of it's existence, this tribe was known as the Lower Lake Rancheria with a name change in 2012 which was only 11 years ago. The location of this casino/hotel/parking lot is adjacent to many homes. A baseball park and a park where people walk their dogs and hang out with their children. It is also right near a school and a couple of churches. There are 2 new VERY LARGE apartment buildings going up which were not even discussed in the analysis that was just done. One of my concerns is with regard to wildfire and evacuations. The analysis showed the following:

"There should be at least six traffic attendants to direct the 4,310 vehicles exiting the garage and surface parking areas. In addition, at least two attendants would be needed at each of the three casino parking lot exit points. A total of 12 persons would be needed during evacuation. These traffic attendants should be specially trained employees of the casino."

Have you ever been through a wildfire? I have been through 3. When Tubbs hit Santa Rosa, people had seconds and minutes to evacuate. I personally have at least 25 families I know who lost everything in Tubbs and 2 families from the Kincaid fire. You don't always get time. It took just **a few hours** for the Tubbs fire to consume more than 20,000 acres, and to travel about 12 miles into densely populated neighborhoods in the town of Santa Rosa. This proposal is assuming there is time to evacuate. And that

there will be 12 people willing to stand outside in smoke and ash to help people evacuate. That is unrealistic. If you have actually lived through a fire you would know that. The Kincaid fire threatened over 90,000 structures and caused widespread evacuations throughout Sonoma County, including the communities of [Geyserville](#), [Healdsburg](#), [Windsor](#), and [Santa Rosa](#). The majority of Sonoma County and parts of [Lake County](#) were under evacuation warnings and orders.

" It is assumed that the approximate 2,155 vehicles exiting the site on the east Shiloh Road access point would have a maximum service rate of about 1,000 vehicles per hour. This is a typical rate assumed in urban areas and assumes that other traffic will be present, although at this location other traffic should be relatively light. This exit can therefore handle the exiting evacuating traffic in 2.2 hours or about two hours and twelve minutes." This is not taking into consideration the new apartments literally across the street from the casino that are being built and have no consideration in the analysis. (Also there are over 5000 spaces so not sure why the report assumes there are only 2100 vehicles exiting the site.)This timing if during a wildfire seems very slow if a fire is bearing down on you.

"At the signalized exit onto Old Redwood Highway, the exiting would be less efficient due to the signal itself and a higher proportion of other traffic using the signalized intersection. At a service rate of about 800 vehicles per hour, it would take about two hours and 45 minutes to handle all the traffic at this location. • If outbound traffic were adjusted at the two rear exits to balance the flow and the exit time, the combined average service rate would be 900 vehicles per hour and it would take just under two hours and 30 minutes to empty the rear of the site. • The 800 vehicles in the entry area could be evacuated in about one hour using the signaled intersection serving the entry area. •" (again - if you have parking for buses and over 5100 spots, why assuming just a couple of thousand cars?)

Here the analysis is saying it could take close to 2 1/2-3 HOURS to evacuate. You don't always have time to evacuate in 3 hours time. When Kincaide started I was told they were about to evacuate and so I left immediately. The other people in the neighborhood said there was a ton of traffic trying to get out of our area. That it took a lot of time to get to the freeway. You are also not considering OTHER people- not visitors to the casino but PEOPLE WHO LIVE IN SONOMA COUNTY who will also be trying to get on the freeway. I had friends in Sebastopol trying to get on the freeway during Kincaide evacuation and it took them 3 hours to get to the 101. They said it was absolutely frightening. So now there will be THOUSANDS more cars on the road headed in that same direction. Because it's not just evacuating Windsor, it could be more parts of the county that could be evacuated. **During Tubbs the freeway was closed. The 101 was CLOSED IN BOTH DIRECTIONS. What is the mitigation for that???** How will we all escape a wildfire when the 101 is closed which has happened.

Wildfire is a very real consideration. I don't want to be in a 2-3 hour backup to get out onto the freeway to get out of town. People burned up and died on the road because they couldn't get out for the Camp Fire and in Maui. It's terrifying and we have already evacuated 3 times from my home in Windsor. I have been put out of my home for 3 months due to smoke damage. Fire is significant in this area and the BIA needs to

understand this in a very real way. I watched houses at the top of my street burn. I have friends in Shiloh who were hosing their driveways down along with the firefighters. This isn't hypothetical. It's real and we are all on edge about fire danger. Adding thousands of people who are NOT homeowners to our small town is not something we want when we race to get out.

For the Kincaid fire - On October 26, compulsory evacuations had been issued for 90,000 people. As the fire spread, by October 27, evacuation orders and warnings grew to encompass nearly all of Sonoma County, including about 190,000 people, making it the largest evacuation ever in Sonoma County. Many people were forced to flee in the darkness due to ongoing power shutoffs in the region. Adding in another 5,000 - 10,000+ people in cars fleeing from the Casino during a fire is untenable. How many lives were lost in Maui in the fire with people sitting in cars?? This should be a priority understanding our fear of fire and adding in thousands more cars and people.

Another point....Currently how do you expect a 2 lane road to support approximately 10-20,000 visitors daily? If you focus on the proposed mitigation measures in using those proposed for 2028 and those to be completed by 2040 you can see the mitigation is going to land on Windsor. The tribe is to contribute their "fair share" which is an undefined term. In other words the taxpayers will pay for it. Widening Shiloh to four lanes will cost millions and they will also need to widen the off ramps from 101 which backs up daily. The analysis also states thing like the project has no significant impact on traffic which is patently absurd. This is a 2 lane road which currently has a decent amount of traffic at various times of day. When I drive my son to Santa Rosa daily, we back up in the morning and in the afternoon heading home it can often backup, sometimes all the way onto the highway in extreme times which does sometimes happen. The addition of two housing developments right in Shiloh ARE NOT EVEN FACTORED into the analysis. Having multiple approved housing currently being built in the same corridor greatly changes the picture. We don't even KNOW what it will be like with all of those new apartments. There will be at least 175 additional new apartments in one of the buildings, which could also add another 350 cars to just that one small area. Widening the roads and offramps are a huge imposition on Sonoma County taxpayers that benefit only the tribe. We will be, basically, providing funding to the tribe for their casino just to mitigate the traffic impacts the casino will cause to our small town with thousands of cars a day headed to the casino.

There is also still issues with water. While many I know (including myself) have ripped out all of our lawns and flowers and replaced with hardscape and low water plants, the Koi tribe are now going to be bringing in thousands of people who will have ZERO regard of our water situation. While I and my family all shut off the water while brushing teeth to save water, the tribe will have thousands of people taking long showers and baths (I haven't had a bath in years and neither have my children) while we make sure to shower in under 5 minutes. Water is limited and even if THIS particular year was good, I have been here for over 20 years and it's been bad for the majority for rain//water. Even using well water, you are still removing water from the aquifers under the ground. It is a limited resource. Having a hotel with hundreds of additional people

using water, drinking water, supplying a restaurant, washing dishes, ice for drinks etc, that is an enormous amount of water. We have been asked numerous times to water on certain days, to take short showers, to not let water run or drip and now we are going to add in tens of thousands of people flushing toilets and drinking water and hundreds showering every single day?

The tribe proposes to contract with the Sheriff for police services. How will they make that happen? Because the Problem is that the Sheriff is down so many officers that they had to cut the number Windsor can have on our contract. We are down three deputies because the Sheriff does not have enough to fulfill Windsor's contract. Another example of how a labor shortage will impact local businesses and communities. Here is the memo from the police chief about staffing cuts. Have not heard that the cuts are over.

<https://d2kbkoa27fdvtw.cloudfront.net/windsor-ca/2606dca68ce688ed533171acee3dca750.pdf>

Here is more detail about the three vacant deputy positions in Windsor. [https://legistarweb-](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police_Service_Plan_Exhibit_A-C.pdf)

[production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police Service Plan Exhibit A-C.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/1944187/Police_Service_Plan_Exhibit_A-C.pdf) So, the question is where will the tribe get its deputies and how will that affect neighboring communities?

We have the Graton Rancheria about 15 minutes south and the River Rock Casino about 15 minutes north. The Koi casino will just be pulling gamblers from both of those casinos, poaching money from those 2 existing tribes. **I notice as of today there are at least and over 40 OPEN available jobs at Graton**

Casino <https://recruiting.adp.com/srccar/public/RTI.home?c=1177215&d=ExternalCareerSite> with 37 of them being full time (and some are seeking multiples for one job listing). **There are at least 24 open jobs at RIVER**

ROCK - <https://riverrockcasino.applicantpro.com/jobs/> - and more than that as they have been actively looking for bussers and cleaning staff etc so it's likely considerably more than that.

River Rock casino will be getting a brand new hotel with 300 rooms so there will be even more traffic and more jobs for people that aren't getting filled. <https://www.casino.org/news/dry-creek-pomo-approved-for-300m-casino-in-northern-california/> There just aren't people wanting to work at these casinos. There is smoke which is hazardous and many people don't want to be exposed. And there just isn't the pool of workers. Sonoma County, CA Unemployment Rate is at **3.70%**, compared to 3.70% last month and 3.10% last year. This is lower than the long term average of 5.30%. Fantastic Campo Fina restaurant in Healdsburg closed, as the owner told me - I just couldn't get the help. It was a constant battle. So now you are going to pilfer the small pool of workers which will then affect our other small businesses that are struggling to get help.

This casino/hotel/parking is a BAD idea all around. The tribe will be eating into incomes of the other 2 casinos within 45 minutes of each other, they will be competing for the

same employees which is already difficult. They will be building in a massive fire zone (are they even able to get insurance as most new builds are struggling to get insurance in our fire zone).

Concerns about fire evacuations, traffic, water and low unemployment issue are just SOME of my concerns. There are more including the fact that there is no mitigation listed for the 24/7 noise, lights that will surely be affecting the homes located closest to the casino/hotel.

This is not an out of the way area like Graton or River Rock. This was a HOME with a VINEYARD in an area with other homes, churches and schools. This is absolutely the wrong place for this development and I sincerely hope the BIA comes to visit our area to see exactly what we are talking about. The building of this casino will be disruptive for years to all of the neighbors it surrounds.

Please do NOT approve this project.

Carrie Marvin
The Foothills
237 La Quinta Drive
Windsor, CA 95492
707-338-4377

From: Ronald Calloway <ronaldcalloway363@yahoo.com>
Sent: Tuesday, September 19, 2023 3:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

As the recently retired Superintendent of the Mark West School District, I must state my adamant objection to this casino. For the record, not only did I serve as the Superintendent, but I am also a resident of the school district. I live at 531 Coachlight Place, which is one block from San Miguel Elementary School. This school is within a mile of the proposed casino, and I cannot understand how the Bureau of Indian Affairs could even consider approving a casino so close to an elementary school.

While there are areas that would be appropriate for the casino in the Mark West School District, such as commercially zoned areas located along Airport Boulevard, the proposed site is absolutely not within an area that should be considered for a casino. The scope of this project, as proposed, is far too large for the current infrastructure to address.

Furthermore, in lieu of a massive casino, housing units on the proposed site would be a welcomed project. Children from the tribe would be within the boundaries of the Mark West Districts so these children would be provided an outstanding education from the excellent schools in the district.

Finally, I must reiterate that a casino within a mile of a school is absolutely shameful to consider. As an educator, who has built his entire career in supporting students, I cannot fathom a worse scenario than placing a casino in the proposed location.

Sincerely,

Ronald M. Calloway, Retired Superintendent of the Mark West Union School District

From: vmibelli54@gmail.com <vmibelli54@gmail.com>
Sent: Wednesday, September 20, 2023 1:31 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to Casino in Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Thank you
One attachment • Scanned by Gmail

The resolution of the Board of Supervisors of the County Of Sonoma, State Of California, Opposing the Establishment of a Casino by the Koi Nation, a Non-Sonoma County Tribe. The Sonoma County Board of Supervisors has consistently opposed the establishment of Nevada-style casino gaming in Sonoma County within the geographic boundaries of the County of Sonoma. In Sonoma County lies the historic and ancestral territory of five federally recognized Southern and Southwestern Pomo tribes: the Cloverdale Rancheria of Pomo Indians; the Dry Creek Rancheria Band of Pomo Indians; the Federated Indians of the Graton Rancheria, the Kashia Band of Pomo Indians of the Stewarts Point Reservation; and the Lytton Rancheria Band of Pomo Indians. Within the geographic boundaries of Lake County, lies the historic and ancestral territory of seven federally recognized Southeastern Pomo tribes: Elem Indian Colony; Habematolel Pomo of Upper Lake; Big Valley Band of Pomo Indians; Scotts Valley Band of Pomo Indians; Robinson Rancheria; Koi Nation of Northern California (Lower Lake Rancheria); and Middletown Rancheria of Pomo Indians of California.

In the 1950s and 1960s the federal government passed a series of laws including the California Rancheria Termination Acts, which among other things ended the federal government's relationship with, recognition of, and benefits to numerous tribes in California, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and the Lower Lake Rancheria (Koi Nation) in Lake County; several tribes have been restored to federal recognition through legislation or litigation, including the Cloverdale Rancheria, Graton Rancheria, and Lytton Rancheria in Sonoma County, and most recently the Lower Lake Rancheria (Koi Nation) in Lake County. Around 2005, after changing its name, the Koi Nation unsuccessfully sought to acquire a site for a Las Vegas-style casino outside of Lake County, near the Oakland International Airport; and in 2014 the Koi Nation unsuccessfully sought to establish a reservation and casino on Mare Island in the City of Vallejo.

In 2019, the United States District Court for the District of Columbia, issued a decision declaring that the Koi Nation, as a reaffirmed tribe, was an Indian tribe restored to federal recognition; see *The Koi Nation of Northern California v. United States Dept. of the Interior* (D.C. Dist. Ct, Jan. 2019) 361 F. Supp. 3d 14; in September 2021, the Koi Nation, through its LLC, Sonoma Rose, purchased a ± 68.60 acre parcel (Subject Land), located at 222 E. Shiloh Road, on the southeast corner of the intersection of Shiloh Road and Old Redwood Highway, in the unincorporated area of the County.

Shiloh Ranch Regional Park is to the east, residential development is north and south, and a church straight across the street. The Town of Windsor is to the north and northwest, and the Sonoma County Airport is to the southwest of the Subject Land, which is largely agricultural,

In September 2021, the Koi Nation submitted an application to the federal government requesting that the United States Department of the Interior accept the Subject Land into trust for casino gaming and resort purposes under Part 151 of Title 25 of the Federal Code of Regulations. Federal law requires that a tribe restored to federal recognition have a "significant historical connection" to the land on which it proposes to game, 25 C.F.R. 292.12(b). The Koi Nation intends to operate its own gaming facility on the Subject Lands to the exclusion of Sonoma County tribes. The Board of Supervisors strongly opposes tribes from outside Sonoma County attempting to use their tribal status to place lands within the County in trust and/or to

otherwise establish gaming operations within the County. The Board of Supervisors strongly opposes tribes that do not have a clear significant historical connection to a specific property, or do not have authority to exercise jurisdiction in Sonoma County, from taking such property into trust or using such trust property for gaming purposes. The Board of Supervisors continues to encourage Sonoma County tribes to establish boundaries to assist in the determination of trust applications and other tribal issues. **The five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart's Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation's proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation's lack of significant historical connection to the Subject Land.**

Gaming projects have significant environmental impacts and other effects on a community, particularly in an area that is predominantly agricultural and residential, and the County's infrastructure may not be able to adequately accommodate the proposed facility and its accompanying traffic, water, wastewater or other impacts. The Board of Supervisors respects tribal sovereignty and takes seriously its government-to-government relationship with tribes, and has worked in good faith with Sonoma County tribes towards a variety of shared goals, including the mitigation of off reservation impacts stemming from on-reservation development.

The Board of Supervisors supports and joins with Sonoma County tribes in opposing the Koi Nation's efforts at obtaining trust lands and establishing a resort casino in Sonoma County, and allowing a tribe without a significant historical connection to the Subject Land, the area in the vicinity of the Subject Land, or the County of Sonoma generally, sets a significant negative regional precedent. The Board of Supervisors opposes any tribe attempting to establish trust property, exercise jurisdiction, or establish a gaming facility within the historical territory of other tribes without those tribes' explicit permission and partnership and supports an interpretation by the Governor of California, National Indian Gaming Commission, Bureau of Indian Affairs, and Department of the Interior of existing compacts and federal law to that effect. The Board of Supervisors opposes efforts by any tribe to take land into trust or operate a casino unless it can demonstrate, to the satisfaction of the County of Sonoma, the State of California, and the Department of the Interior, compelling and significant historical ties to the specific designated property at issue and the right to exercise jurisdiction over that land.

This also does not speak to the need of more police and fire support in the small Town of Windsor. The idea that it will have a concert hall will hurt the small Town of Windsor activities like the many events that are held at the town green. These events help the local businesses and town. Not having music on the town green or the other events will doom the small town atmosphere. This also does not take in account the 24\7 casino attracting problems in the small town as well as the traffic on the small roads not made for constant buses transporting gamblers and semi-trucks supporting the property. The 4 bars and coffee shops and 5 restaurants will all but kill the small Town of Windsor establishments. This was a sneaky back handed deal to hijack a small town and should not be allowed. Sonoma County has more casinos than any other county in California. We do not need another. Casinos in its area will be bad for our local economy, our roads and our water supply. This also does not touch on the very real fire danger we have faced in the last few years. Old Redwood Highway was stopped with just the local

housing traffic. What will happen when you have a full casino and hotel on these same narrow roads?? I say NO. NO Casino. Go back to Lake County. Help there economy. Stay out of Windsor, We do not want or need you.

From: Jenny Herzberger <jenherzy@gmail.com>
Sent: Thursday, September 21, 2023 1:21 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Jenny Herzberger

From: Scott Horton <scotthorton@mac.com>
Sent: Thursday, September 21, 2023 2:40 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Kind regards,

Scott Horton

From: Trini Amador <tamador@bhccconsulting.com>
Sent: Thursday, September 21, 2023 8:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: 'Lisa Amador' <LISA.AMADOR@GRACIANNA.NET>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino,"

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Dear Chad

Lisa and I own property on Shiloh Road less than one mile from this project. We are in favor of this business venture. We have watched what the Graton Rancheria has done for Rohnert Park.

A boon for business and tourism in Sonoma County. Good luck.

Trini

<https://www.shilohresortenvironmental.com/>

Trini and Lisa Amador
210 E Shiloh Road
Windsor, Ca

From: Stefan and Kathy Parnay <skparnay@sonic.net>
Sent: Friday, September 22, 2023 1:04 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Casino on Shiloh Road - Community Comment

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Dear Chad,

Attached, please find our comments regarding the Environmental Assessment report that was published on September 2023 regarding the Koi Tribe's proposed projects for the Shiloh Road property.

We have attached a pdf of the letter as well as copied the content into the body of this email.

Thank you for your time and consideration.

Respectfully,

Stefan and Kathy Parnay
190 Barrio Way
Windsor, CA 95492

Mr. Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
chad.broussard@bia.gov

September 22, 2023

Dear Mr. Chad Broussard,

For the past 25 years, our family has lived in the Oak Creek subdivision that resides within a half mile radius from the Koi Tribe's proposed casino/hotel/events center. We have raised our children in this peaceful residential community made up of hundreds of family homes, a small neighborhood park (Esposti Park) used for little league baseball and soccer games, two community churches, and the 850 acre Shiloh Regional Ranch Park enjoyed for its beautiful and safe hiking, biking, horseback riding and running trails.

The existence of a large casino/hotel/events center in this neighborhood would irrevocably harm this peaceful, family oriented community, introducing a significant increase in traffic, public safety issues and noise pollution. After reading the Environmental Assessment (EA) published in September 2023, we are extremely concerned about the lack of consideration that was given to protecting our peaceful community from the environmental impacts a proposed project of this magnitude would cause. Below is a list of our concerns:

1. Having lived through the [2017](#) and [2019](#) wildfire events, what is foremost in our minds is that **the EA neglects to propose a safe and effective traffic mitigation strategy to accommodate the significant increase in the number of non-resident vehicles on the roads in the event of an evacuation order.**

If the casino/hotel/events center is built, it will undeniably result in a significant increase in traffic congestion which will be compounded exponentially during an evacuation event. The EA (page 3-119) states that, to mitigate a traffic issue during an evacuation, the casino/hotel/events center would be issued a mandatory evacuation status as soon as an evacuation warning is issued for the area. Giving the casino/hotel/events center a head start on evacuating is not a realistic solution. If the casino/hotel/events center evacuees follow this evacuation process, there would be thousands of visitors on the roads while thousands of local residents are trying to get to their homes or find/reunite with loved ones in preparation for evacuating. The roadways to our neighborhoods would be gridlocked, creating a very dangerous situation for thousands of anxious, fearful and desperate people.

It is also important to acknowledge that human behavior during a major event is unpredictable. Simply telling large groups of people to "leave now" in an orderly fashion following emergency protocols does not mean they will. We all respond to crises differently depending on our personal situations and [studies](#) have shown that large groups of people are slower to respond during a crisis, oftentimes experiencing denial or disbelief that the situation is real.

ACTION REQUESTED: Before a project of this magnitude is approved, require that an in-depth study of the [2017](#) and [2019](#) fires and evacuation protocols along with an updated Traffic Study (one that includes the new traffic patterns resulting from the Shiloh Terrace (completion expected 1/2024) and the Shiloh Business Park (completion date unknown) building projects that are currently under construction) are performed. The findings should then be incorporated into all road improvements in order to ensure safe evacuation procedures can be followed.

2. The lack of a well thought out comprehensive evacuation plan is not the only issue with the traffic mitigations proposed by the EA. **The road improvements proposed are insufficient for meeting the increase in daily traffic.**

As a family who drives through the Shiloh Road - Old Redwood Highway intersection every day, it is obvious that the traffic mitigation strategies will require more than the signalization/optimization, re-striping of the roadway and the widening of the Shiloh Road as indicated in the EA (page 4-9). The EA authors seem to have overlooked that the project plans also show one of the main entrances to be directly off of Old Redwood Highway. Old Redwood Highway is a heavily traveled 2-lane road that is used as a direct route into and out of the Santa Rosa and Windsor areas. During peak traffic hours, Old Redwood Highway is a popular alternative route to traveling Highway 101 and is a shorter and more direct route when traveling to Sutter or Kaiser hospitals in Santa Rosa. It is shortsighted not to consider the need to also widen Old Redwood Highway in order to accommodate the additional increase in traffic.

ACTION REQUESTED: Before a project of this magnitude is approved, require that an updated Traffic Study is performed once the current construction projects along Shiloh Road (Shiloh Terrace Apartments and the Shiloh Business Park) are complete in order to obtain a clear understanding of the effect that the casino/hotel/event center could have on the traffic patterns along Old Redwood Highway so a realistic traffic mitigation strategy can be created.

3. Whenever road work is performed, local residents are affected. **The EA minimizes the burden placed on local residents during the proposed expansion of Shiloh Road (a heavily used roadway), thus raising concerns about the traffic issues resulting from such extensive road work.**

It is unclear how the EA authors determined the road construction project would be “short term” and cause only “minor delays in traffic flow”. Shiloh Road is currently a [heavily used 2-lane road](#). It is not uncommon for road construction on heavily used roads, especially those with only 2-lanes like Shiloh Road, to take several months or longer to complete or the timeline to be further pushed out due to [shortages in labor and other resources](#). Diverting existing traffic congestion while Shiloh Road is under construction will, not only inconvenience daily commuters, but also the local residents who shop at Home Depot, Walmart, Grocery Outlet, and the other businesses immediately off of Shiloh Road (on Hembree Lane) and the employees that work at those businesses.

ACTION REQUESTED: Before a project of this magnitude is approved, require that the Koi Nation’s developers meet with the public transportation department and local road construction companies to determine the true timeline to complete such an extensive project by comparing recent projects and availability of resources. Require that they develop a plan that will minimize the negative impact on traffic patterns on the community during the expansion process.

4. The increase in visitors traveling to and from the proposed casino/hotel/events center will affect all aspects of public safety, from traffic accidents and drunk driving violations to theft and vandalism. **The current state of Sonoma County Sheriff resources for public safety cannot accommodate the proposed casino/hotel/events center needs.**

With the introduction of a casino/hotel/events center in a residential community, public safety should be a priority. Not only do more cars on the road equate to more accidents, [the crime rate will increase](#) (including [drunk driving violations](#)) from what currently is almost non-existent in the area.

According to the EA (page 4-8), “the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office” for police services in order to keep the local community safe. However, the EA authors do not explain what “good faith efforts” actually means and there is no mention of an alternative plan in the event that the “good faith efforts” do not result in resources for public safety.

An alternative plan is essential because what the EA authors did not consider is the fact that the Sonoma County Sheriff’s Office is currently struggling with understaffing and overworked employees pulling 12 hour shifts due to the inability to [fill vacancies](#) (see [Town of Windsor Agenda Report dated May 17, 2023](#)). While the Koi Nations financial contributions to the Sheriff’s budget would be helpful, [the ability to find a qualified and well trained police workforce is a very real concern](#).

ACTION REQUESTED: Before approving one of the proposed projects, require that an in-depth review of the Sonoma County Sheriff’s office’s capacity of their current workload and the proposed increase be performed in order to determine if a sustainable plan for staffing and support is feasible. If the Sonoma County Sheriff’s Office is not able to provide public safety services, an alternative realistic solution needs to be provided.

5. In addition to our public safety concerns, it is critical that we are able to preserve the quiet and peaceful environment of our neighborhoods. **With thousands of daily visitors to the proposed casino/hotel/events center, there will be a significant increase in “noise pollution” to the neighboring homes.**

As listed on the EA (page 4-8), the mitigation for the resulting noise created by the casino/hotel/events center was to have the Koi Nation “pay a fair share” towards repaving the road with “noise reducing pavement” and, “if repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to identified roadway segments for dual pane exterior windows”. The authors of the EA do not seem to understand that [the noise pollution is not just caused by the sound of tires on the street](#), but also car horns, motors, engine backfires, accidents, bass from music blaring, and other loud noises. In addition, most houses already have dual paned windows which, from personal experience, do not block loud noises. The EA authors also did not consider that, because of the mild temperatures of Sonoma County and the health concerns of Covid, many residents prefer leaving their windows open to allow fresh air to circulate throughout their homes. Relying on specialized paving and dual paned windows will not provide adequate protection from the increase in noise

resulting from a business that runs 24/7 with the majority of visitors arriving and departing during the evening, night and weekend and holiday hours.

ACTION REQUESTED: Before a project of this magnitude is approved, require that a comprehensive Environmental Impact Statement be completed and a realistic sound mitigation plan be created that will prevent and/or significantly minimize outside noise pollution from disturbing the neighboring homes.

6. The history of the Koi Tribe is one of significant devastation that included the loss of their homeland. One aspect of the traffic mitigation that the EA did not address was that, in order to widen Shiloh Road from two lanes to four lanes, **the government would need to enact eminent domain** in order to gain the private property rights of local residents' homes along Shiloh Road. Although these families would be compensated, no amount of money can replace their loss of home and community when forced to relocate. Is this an act the BIA and Koi Nation wants to be connected to?

ACTION REQUESTED: Before making a final decision on the proposed projects, please take into consideration the direct and indirect costs to local residents.

On the [Koi Nation's website](#), they state, "our inherent sovereignty is the foundation for our efforts to obtain land upon which we can re-establish the living relationship between our people and the land". However, their proposed plans do not support the goal of reconnecting with their heritage. In contrast, the casino/hotel/events center, which is not located on their ancestral land, will irrevocably change the surrounding peaceful environment, negatively impacting the local neighborhoods with increased traffic, public safety issues and noise pollution caused by the 24/7 nightlife and weekend activity of a large casino, hotel and events center.

We are a community of families who want to protect our peaceful homes and neighborhoods. We are hopeful that the BIA will carefully consider our comments and those of our neighbors before making a final decision.

Respectfully,

Kathy Parnay
Stefan Parnay

From: kenneth kerst <kakerst@icloud.com>
Sent: Saturday, September 23, 2023 7:50 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments - Koi

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Hello,

I live right down the road, off of Old Redwood Highway, at Shamrock Retirement Community. I support the Koi project and look forward to its development. One day, I hope to see pickleball courts built there. Bringing tourist revenue to Windsor is a win-win situation.

Kathy Kerst
North Bay District Pickleball Ambassador
Sonoma, Solano, Marin and Napa Counties

Sent from my iPad

From: Adam MacLeod <amacleod81@gmail.com>
Sent: Sunday, September 24, 2023 10:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Windsor - Koi Casino comments from Local family

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Dear Mr Broussard, my wife, toddler and I call Windsor our home. Please don't let a Casino from the koi nation into our community. What value does it provide to the people of Windsor? We are not Rohnert Park. We are a small family community. We are not a tourist destination. We like our safe family type of community. If the people don't want it how can you allow it? Isn't this a democracy where the people have a vote?

We admire and respect the local Pomo tribes who are native to our town before there was a town. The Koi is not local and I don't think there will be a welcoming like the other Pomo tribes. This is an attempt by the koi for a money grab at the expense of the people of Windsor.

Please reject this proposal to build a Casino in our town.

Adam MacLeod

From: Dinah Costello <haviceprin@aol.com>
Sent: Sunday, September 24, 2023 1:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: DINAH COSTELLO <haviceprin@aol.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, CA 95825

Dear Mr. Broussard,

You no doubt have received numerous letters/emails from our Sonoma County, CA community opposing the Shiloh Casino Resort proposal of the Koi Nation of LAKE (not Sonoma) COUNTY. The objections to this massive and uninvited intrusion into our neighborhood are numerous and, most importantly, well founded. They include the Koi Nations non-existent status in Sonoma County, the outside gaming interests using them as cover for another casino project ("casino shopping"), and countless environmental and public safety issues (fires decimated this area in 2017 and again in 2019).

I would like to call your attention to corrections needed in your recent Notice of Availability letter mailed to me September 11. Beside the Project Site being bordered by residential neighborhoods to the north (Esposti Park is directly across from the Project Site) and west (including two churches and two massive new housing projects now under construction), the southern border is also residential (as well as commercial), with San Miguel Elementary School also directly across from the Project Site. Furthermore, the eastern boundary consists of Sonoma County's popular Shiloh Regional Park, hardly just an "agricultural parcel." I would strongly encourage you to personally visit the Project Site; it will become abundantly clear why this location is the worst possible location for a casino development. There is a reason every public official at all levels have opposed this project, as you will see for yourself.

On a personal note: My husband and I, both teachers, moved to Windsor (Sonoma County) off Shiloh Road 20 years ago. We purchased our dream home surrounded by two public parks (Shiloh Regional and Esposti) in a beautiful, tranquil setting. We

worked hard, paid our taxes, saved, and looked forward to spending our retirement years here. We were shocked and dismayed to hear that a gigantic casino resort was being planned directly across the street from our home. Sonoma County presently has a casino 15 minutes to the south (Graton) and 15 minutes to the north (River Rock) of our home. Building another casino in the middle of our neighborhood, destroying a beautiful vineyard and severely affecting the quality of life of our community, should have been stopped before it reached this stage. Again, please visit this beautiful area of Sonoma County. Drive down our street and imagine the damage this project will do to our neighbors and surrounding small businesses, schools, and churches. This whole project has caused unnecessary stress and anxiety in the good people we call our friends. Please join us and stop this ill-conceived and dangerous proposal from becoming reality.

Respectfully yours,

Dinah Costello
5840 Mathilde Drive
Windsor, Ca 95492

From: AT&T <2tbene@att.net>
Sent: Sunday, September 24, 2023 2:43 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] We like the Casino

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Hi Chad:
We live in Windsor and very much look forward to the new casino. Don't think that everyone is against it, as they will be the first to eat, play, and spend there once it is built. Go For It.
Lori Pennato

From: Mary Gardner <mblawhead@gmail.com>
Sent: Sunday, September 24, 2023 5:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No to Casino in Windsor California

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To Whom It May Concern,

I am a resident of Windsor, California. I am opposed to the proposed Koi Nation casino being built in our community.

The area they wish to build in is in an area that has several new apartments and is near one of the busiest intersections in town. This casino would make things worse for commuters and those that live nearby. Windsor is a small town. We do not have a hospital in our town. A casino will not bring a better quality of life to our town. It would mMe things worse for us. Our town does not want the casino and the problems it would cause. In fact, it would be so problematic that the Sonoma County Board of Supervisors voted against the project.

The Koi Nation is not originally from Sonoma County. Their ancestors lived north of us, in Lake County. Lake County is less populated and less expensive to live in. It would be beneficial to both the Koi Nation and Lake County if the proposed casino is built in Lake County, the ancestral home of the Koi Nation.

Please reject the proposed casino in Windsor. It will not be a good fit for Windsor and is not the appropriate place for the Koi Nation to build such a project. If they want to build, please assist them in finding a more appropriate location in their ancestral land in Lake County.

Sincerely,
Mary Gardner, Town of Windsor Resident
mblawhead@gmail.com

From: bryan lobao <bryanlobao@hotmail.com>
Sent: Sunday, September 24, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Why would you build a casino right in the middle of a town, where people live close by and already have traffic. You could go 10 min north and tons of land between Windsor and Healdsburg and no one would care about a casino there. All the room to build bigger roads and expand.

Thank you
Bryan

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

From: Cammy <cammy_bennett@yahoo.com>
Sent: Sunday, September 24, 2023 8:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Good Evening,

I'm writing to you today to make you aware of my opposition to the proposed Indian casino on Shiloh Road and Old Redwood Hwy.

I'm a 58 year old who lives in the house I grew up in. The area has changed quite a bit over the years, some for good some for the bad. Back as a kid in the 80's I use to ride my horses in the field where the vineyard and proposed site is today, and would prefer it remain a vineyard.

I do not believe a casino is in the best interest of Windsor. Gambling brings the wrong type of environment to any city, with crime and other behavior's associated with those types of businesses. There is a lack of work force in the area as well, which has caused multiple businesses to close in Sonoma County, I would imagine any Casino needs a large work force and will be taking employees from the already depleted work force in the area.

Thank you,
Cammy Bennett
339 Donna Drive
Windsor, Ca 95492

Sent from my iPhone

From: Maralee Parsons <parsonsm360@sbcglobal.net>
Sent: Sunday, September 24, 2023 2:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

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Please see the attached comments submitted for your review.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office

I am writing to express my strong opposition to the proposed project, Koi Nation Shiloh Resort and Casino. The proposed site for the casino is across the street from residential communities consisting of family homes, a little league park, a church, multiple bike paths and an elementary school. Simply put, the proposed site is a dangerously inappropriate location for such a high volume, 24/7 business venture.

I have read the Environmental Assessment (EA) released on-line Sept. 13, 2023, and offer the following comments for your consideration:

TRAFFIC: Section 4-1 of the EA suggests several very expensive traffic related improvements to be done by 2028 and 2040, including widening of Shiloh Road from 2 lanes to 4 lanes, and widening the off-ramps from Highway 101. The EA states "...the Tribe shall make good faith efforts to assist with implementation of the opening year improvements prior to opening day" and "the Tribe shall make fair share contributions to the cumulative 2040 traffic mitigation measures". The collateral costs beyond what the tribe deems as "fair share" of these "improvements" would be borne by Sonoma County taxpayers. In other words, we will have to divert existing and future funds from other road-improvement projects to accommodate the casino, because the existing roads are insufficient to support the casino's needs. I believe this would equate in part to tax-payer funding of the private casino. As a Sonoma County taxpayer, I would enthusiastically join a lawsuit challenging that use of public funds.

FIRE & SAFETY: The proposed site is in an urban wildfire risk zone which has been evacuated twice in the past 5 years, resulting in gridlock. The casino/resort could potentially add another 20,000 vehicles to the local roads with limited evacuation routes, threatening the community's ability to safely evacuate and could potentially lead to loss of life.

A casino serving alcohol will undoubtedly bring inebriated drivers onto the roads and increased crime into our residential neighborhoods.

NOISE: Very little mitigation is offered in the EA for the 24/7 noise and lighting impacts the surrounding community will be subjected to, other than offering to pay a "portion" of re-paving of neighboring streets with noise-reducing pavement (see above for my thoughts on asking taxpayers to fund the remainder of a project we did not ask for and do not need, absent a casino) and compensating homeowners for "dual paned exterior windows". Seriously?

ENVIRONMENTAL IMPACT/WATER: A casino and resort of this magnitude, and its construction, will greatly increase water pressure on the Russian River, as well as generate possible runoff and groundwater impacts from converting what is currently agricultural space into impermeable surfaces. Residences in the immediate vicinity are already experiencing well failures and the water table cannot support the proposed level of increase. The mitigation measures outlined in Section 4-1 of the EA (implementation of a “groundwater monitoring program”) are grossly inadequate to mitigate such a severe impact on the community’s finite, life-sustaining resources. Furthermore, the existing vineyard is in a designated floodplain with a protected riparian corridor flowing through it and provided a firebreak in the 2019 Kincaid fire, saving countless homes and lives.

I would also ask that you consider the economic harm this project will bring to local merchants who could not compete with enormous scale of the proposed casino/resort. Finally, I urge you to strongly consider the arguments articulated by the broad opposition to this project within Sonoma County, including the 5 federally recognized tribes in the County, and the unanimous resolutions of both the Sonoma County Board of Supervisors and the neighboring town of Windsor.

Sincerely,
Maralee Parsons
193 Merner Drive
Windsor, CA 95492
parsonsm360@sbcglobal.net

From: Melodi Walton <melodiwalton@yahoo.com>
Sent: Monday, September 25, 2023 8:15 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: Katie Douglas <katiedouglas27@gmail.com>
Sent: Monday, September 25, 2023 8:57 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Katie Douglas

Public Relations & Communications

katiedouglas27@gmail.com

(918) 991-5820

From: Janet S Marsten <jsmarsten@gmail.com>
Sent: Monday, September 25, 2023 10:18 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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RE: Koi Casino Proposal

Dear Representatives,

Our quiet, Sonoma County residential neighborhood and wildlife corridor are threatened by a proposed casino resort by the Koi Nation from Lake County. This must be stopped.

Mandatory evacuations in the last few years due to wildfires clogged our few escape routes. A 24/7 casino, event center, and hotel would create catastrophic additions to an already tenuous situation. Also, as everyone who lives here knows, drought is a very real part of our lives. The Russian River is a fragile and limited resource we all depend upon. It could not support a huge development such as this. We have great concerns about potential hazards with groundwater depletion and contamination to our water quality with this project, both during construction and in the long term.

This is a peaceful community with a wildlife green space, a regional hiking park, and a little league park directly across from the proposed site. Our country roads are also popular with many group, tourist, and team bicyclists. The threat to wildlife migration, public safety, and congestion this project would create is a real concern.

Casinos unfortunately bring with them crime and noise. It is unfathomable that this could happen to our neighborhood.

Thank you for your time,
A.P. and Janet Marsten, Shiloh area residents

From: Arash Behrouz <abehrouz@hotmail.com>
Sent: Monday, September 25, 2023 10:20 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation's proposed casino project near Windsor

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Dear Sirs, I am in-favor of the new casino if it has a similar bus program (costs and pick-up location as the River Rock Casino).

The Bus Program provided by River Rock from Marin County to Sonoma County is wonderful.

My question is; when your board approved the Graton Casino to be built in Rohnert Park; was a requirement for them to have a bus transportation from Marin to Sonoma? The bus program stopped a few months I believe after they opened. Please correct me if I am wrong.

Thanks for all your help.

[Shuttle & Bus Services | River Rock Casino | Sonoma County, CA](#)

[Shuttle & Bus Services | River Rock Casino | Sonoma County, CA](#)

River Rock Casino in Sonoma County, CA offers shuttle and bus services to members.<br /

www.riverrockcasino.com

Behrouz, Arash

From: Neal Weeks <rwneal3@gmail.com>
Sent: Monday, September 25, 2023 11:08 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Shiloh Casino

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We do not need another Casino. Roads are already overloaded. The Casino pie pieces are now too thin. It would not have enough sustainable support. River Rock is struggling because of the Graton Resort and Casino. The area does not need another struggling Casino that would close down in the near future.

Neal and Ruth Weeks
Santa Rosa, CA.

From: Andy Westbom <andywestbom@gmail.com>
Sent: Monday, September 25, 2023 11:49 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please reject this project. Reviewing the Environmental Assessment I see that the traffic impacts are considered "significant" and the impact on surrounding properties, as mentioned in the "General Setting and Location" section, does not even mention the 850 acre Shiloh Regional Park nor impacts on it, which is just down Shiloh Road only a scant half mile. And the maps I reviewed do not even show the popular Park, yet is clearly within the "surrounding area."

Thousands of people, including me from a neighboring town, hike in Shiloh Regional Park, loving its pristine rural setting and its amazing views. This project will destroy the scenic views from the higher up trails that look towards the West, and the tranquil setting. I keep reading in biased newspapers that neighbors are upset by the project, but thousands of park goers are too, not to mention most of the citizens of the town of Windsor and of Sonoma County.

Also, why doesn't the highly deficient "Environmental Assessment" discuss and explore impacts on Shiloh Regional Park. Would a casino be built outside of Yosemite National Park and in nearby views of its trails?

This project is in the wrong place.

Andy Westbom
2236 Sycamore Ave.
Santa Rosa, CA. 95404

Sent from my iPad (typos likely!)

From: kgrahammer@aol.com <kgrahammer@aol.com>
Sent: Monday, September 25, 2023 11:51 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

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We are writing in opposition to the proposed Koi nation casino/resort on Shiloh Road north of Santa Rosa.

We are the original owners of our home in the Wikiup area having purchased our house in May, 1987. We have seen our area build up with many new homes, a regional park and the Mayacama resort. Although these have added to the population and the traffic, they were done keeping with the agricultural climate of our area.

We also, unfortunately, have been under two mandatory evacuations (in 2017 and 2019) due to devastating wildfires that burned within 1/2 mile of our home.

The recently released Koi Tribe Environmental Assessment report fails to recognize the impact the proposed project will have on fire evaluation and/or traffic for the RESIDENTS who live around the property. Shiloh Road was a main exit route for hundreds of residents. As was evidenced in both the Paradise, CA in 2018 and the Lahaina, HI in 2023 fires, when there is only one main exit route MANY people can die because they can't escape. Is a casino worth losing lives?

A casino/resort is not an appropriate addition to our neighborhood!

There are two large casinos already in the area (River Rock to the north and Graton to the south).

There are two elementary schools (San Miguel only 1 mile to the south of the proposed casino and Mattie Washburn only two miles to the north), a church, a county regional park at the end of Shiloh Road and a youth baseball and soccer field directly across the street. The proposed casino is surrounded by facilities used by children and their families. A casino does not belong in the middle of these!

We respectfully request that this proposed casino/resort be denied.

Thank you,

Rick and Kathy Hansen

530 Coachlight Place

Santa Rosa, CA 95403

(707) 217-0204

[Sent from the all new AOL app for iOS](#)

From: Heidi Doggwiler <hdoggwiler@msn.com>
Sent: Monday, September 25, 2023 12:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed Koi Project in Windsor, CA

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I am writing to strenuously object to the proposed to both the land on Shiloh road being placed into trust to become a sovereign tribal property, and to any commercial development of that property, most especially as a casino. I have lived in Windsor for the last 11 years, and remember not only the Tubbs fire but every fire thereafter. I remember the panic of trying to get out of the area with the large number of families packed onto small, residential roads and only 3 points of freeway access. As is, that property is not zoned for high density, for this and many other reasons.

Secondly, Windsor has chosen to remain a residential town rather than let ourselves become another Healdsburg. We do not invite large commercial enterprise from anyone, and we have already had one tribe insert itself into our town -- which, like the Koi nation, has ABSOLUTELY NO TIES TO OUR AREA, just because we are a good location for them to make money. We have rights, too, and we are tired of being used by tribes just to make a few people millionaires at the expense of the rest of us.

Heidi M. Doggwiler
619 Smoketree Ct.
Windsor, CA 95492

From: songocarol <songocarol@sonic.net>
Sent: Monday, September 25, 2023 1:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Indian Casino

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My name is Carol Brown. I am a resident of the Wikiup neighborhood 1.6 miles from the proposed location of the casino. I am a mother, grandmother, and former teacher of 25 years.

I am opposed to the proposed location for the casino. It is just across the street from neighborhoods with children and a mobile home park. Casinos are open 24 hours, serving alcoholic beverages to customers during those 24 hours. Vulnerable children get on and off school busses in the area and walk to and from their homes. Child trafficking is a major problem in our country. I believe that children will be at greater risk from pedophiles as well as child traffickers who are looking for a source of income to enable people to support their gambling habit, even using the casino hotel rooms for their dastardly deeds.

Not only am I concerned for the safety and well-being of families in the area, but also for the extra vehicle traffic on Old Redwood Hwy. and Shiloh Rd. Many people take these roads for shopping at Walmart, Home Depot, Grocery Outlet, Providence urgent care, restaurants, and other services. Besides the inconveniences for those shoppers and people with medical concerns, some of us will choose to avoid the area and those businesses altogether and shop elsewhere, which will not only hurt those businesses, but also put a large dent in the income for the Windsor community from less tax money being generated. Though businesses may profit from casino customers, they will become less of a resource for our neighborhoods and more for casino tourists.

Lastly, the three nearest casinos are located in comparably remote areas. Graton Resort and Casino in Rohnert Park is situated outside of a residential area. Additionally, River Rock Casino is situated in a remote area of Geyserville. Twin Pine Casino and Hotel in Middletown is located far away from homes. Why can't Koi Nation find an area that is isolated from neighborhoods and high traffic areas? The spot Koi tribe has chosen is not acceptable! It will be a detriment to our community, not beneficial.

Thank you for the opportunity to express my concerns, ESPECIALLY for our children.

Carol Brown

From: MARY LOU VELASQUEZ <marylou@comcast.net>
Sent: Monday, September 25, 2023 1:22 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Opposition to proposed Koi Nation Casino development, Shiloh Road

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As former residents of the Wikiup Rancho area (until our home was destroyed by the Tubbs fire) my husband and I are very familiar with the area for the proposed casino development at East Shiloh Rd and Old Redwood Highway. We strongly oppose such a business on that particular parcel. We respect the Koi nation's efforts to increase their opportunities for tribal members, but the location of the development is unsuitable for a casino, hotel, parking, etc. The area is part of the break between Windsor and Santa Rosa. Its character has been for housing, as well as vineyard land is to be destroyed, it thus makes more sense for it to be for housing, such as the apartment development on the same corner to the north and east. That portion of Shiloh Road provides access to homes in a nearby subdivision as well as rural homes. On the north side is Esposti Park. It has been a pleasant open space, on the way to Shiloh Regional Park and the narrow Faught Road, a favorite walking and biking area for area residents. There is no commercial development that we are aware of on that portion of East Shiloh Road. We lose a vineyard and gain a casino? What a terrible trade!

We don't see the need for yet another casino in Sonoma County, where already includes two casinos. But if that is inevitable, it would be far more suitable to put such a development on land closer to commercial development.

Mary Lou Velasquez
Eligio A. Velasquez

From: kluck11@att.net <kluck11@att.net>
Sent: Monday, September 25, 2023 1:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments Shiloh resort.

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Dear sirs , I am Richard Kluck and live at 149 E Shiloh. I have a list of concerns.

1. Are you getting water to run 400 rooms and 6 restaurants from the same aquifer that my shallow well across street draws from?
2. Traffic, my homes front door of 40 years sets 35ft from road edge and now I must back out onto Shiloh to exit. What is the traffic plan, safety of children and others on and entering the road? Noise and light pollution mitigation, both from road and resort?
3. Security for neighborhood from undesirable customers that casinos attract.
4. What measures are being taken to preserve the livability of our homes and neighborhood .
5. Is there a plan for restoring vernal ponds that exceded on your sit before current grapes were planted.

Thank you, I look forward to to hearing from you about details of your plans for for our neighborhood .

Richard Kluck. 707 4807870.

From: Annette <flachman@sonic.net>
Sent: Monday, September 25, 2023 1:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I just want to comment on the possibility of the resort and casino in Windsor. I think it's a terrible idea. To put this kind of a business in the middle of a family neighborhood will be very damaging to their property values. The two other existing casinos in Sonoma County are not in residential areas. They are well away from families and schools. I realize that the report says the water will come from wells on the property, but the wells aren't going to be using water from an exclusive aquifer. That water usage will take water away from the people who live here and who have spent years conserving water due to the drought. We didn't conserve water, rip out our lawns, stop washing our cars and do everything we could to conserve water only to have it drained by this resort that will provide no benefit to our town and our community. Not to mention the increase in traffic on roads that are already falling apart and only being repaired sporadically. Absolutely the wrong place for the wrong business. Hard NO regardless of the EA. This is a family oriented town. A casino doesn't belong here.
Annette Flachman

From: Lillian Fonseca <calilil@comcast.net>
Sent: Monday, September 25, 2023 1:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, KOI Nation Shiloh Resort and casino

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From:
Lillian M. Fonseca- Cierley
128 Cornell Street
Windsor, CA. 95492
RE: Koi Nation Shiloh Resort and Casino

I recently spent an good amount of time reading the environmental report made available regarding the Koi Nation planned project in our town. I read some parts over multiple times in my attempt to read through the often verbose, and confusing info provided. I say confusing because it is not reader friendly and weaves circles of sentences into a twisted maze that makes it difficult. As a long time educator I often reminded my students that less means more. Transparency and access to the report should be a priority, but the educationese it is presented in makes it more complex than it needs to be.

That being said, I have not been convinced that the report demonstrates the fact that all will be great and our town will be greatly benefitted by this project. On the contrary, to me it proved the opposite. The area that this tribe covets is right down the street from me, directly across the street from a well established family neighborhood, a local park used by the community for sports and family events, not to mention a local church also across the street. Any reasonable person can see that it makes no real sense to place this resort and casino in the location currently sought. It truly would have multifaceted harmful impact on the entire area as well as our community.

The sheer ridiculousness of that size/type of project being constructed on that lovely agricultural site is so repulsive and disturbing in light of the many issues and problems that accompany that type of venture— it makes me feel physically ill and sad. Yes, sick...

Our area already includes two large casinos, we have no room for another. The environmental report never really addressed concrete answers to questions brought to light by concerned community members. It was all oversimplified and almost purposefully vague. No matter what justification, that project will negatively impact community, natural wildlife habitat, the creek that intersects the property and our daily life as community members.

I was evacuated from my home from the terrifying wildfires that have overwhelmed our area more than once. The only way out was down Old Redwood Highway directly by the purposed project site. The traffic was at a standstill, the fire raging and it was a very unsettling experience. I don't care how many so- called studies the environmental report quoted and tried to smooth over the concerns that it is a dangerous traffic nightmare bound to repeat— it will certainly

impact congestion and all that accompanies it. As it is the construction of the four story low income housing on the corner of Shiloh and Old Redwood Highway will also add to the mess.

Our community is a small family town. We treasure the open space, lush vineyards and hills surrounding us. Our kids deserve the chance to enjoy the same. Water is a precious resource that we already are short of. Currently our streets are relatively calm and safe for pets, children, and wildlife who may live nearby. Many of the locals enjoy bike rides along our bike lanes, but with more out of town visitors that may drastically change.

I hope the Koi Nation will consider the concerns of the residents of Windsor. I am certain that there are other locations that would be better suited to their project. I am adamantly opposed to it. For the sake of my former students, my family, my neighbors and future residents PLEASE- NO CASINO. NO RESORT.

Thank you for considering my input.
Lillian Fonseca Cierley
Sent from my iPad

From: Laurie Leach <laurieleach@comcast.net>
Sent: Monday, September 25, 2023 3:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr. Broussard,

I am writing regarding the proposed casino on Shiloh Road in Northern California.

We live approximately 1 mile from the site. We are concerned about many aspects of this project but our main issue is traffic. The exit from Hwy 101-the only freeway in the region-feeds onto a two lane road. There are currently 500-600 apartments under construction along this same stretch of road. Once Shiloh crosses Redwood Highway, the two lanes narrow even further. We are already concerned about traffic Armageddon. If this casino were to be built and their traffic was added, we are concerned that getting to our residential neighborhoods would be impossible.

In addition, this area has suffered massive fires with required evacuations. We fear that should this situation reoccur, which seems inevitable, we would be unable to get out.

There are already casinos north and south of us. There is absolutely no need for another.

Thank you.

Laurie Leach
219 Deanna Place, Windsor CA

Sent from my iPad

From: Carol Rash <rashcarol@yahoo.com>

Sent: Monday, September 25, 2023 5:06 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA comments for proposed Shiloh casino proposed by Koi Nation

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EA comments for Shiloh Resort and Casino Project proposed by Koi Nation

To : Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs Pacific Regional Office

Dear Mr. Broussard,

Our local paper recently published articles about the proposed Casino 1/2 mile from my home in Windsor. I have grave concerns on the impact on our community if this Casino is built.

My husband and I have lived in Windsor since 1988 and have been pleased with the way our town has improved and grown since we moved in. The proposed Casino will be the largest in Northern California and will increase traffic and congestion in our area.

In 2019, we had to evacuate our town due to the Kincade Fire heading towards it. By Evacuating, our town was saved by the fire crews taking a stand. We had time for evacuation unlike many other towns that have been consumed by fires , but it took hours for an orderly evacuation because there are 2 main evacuation routes: US 101 and Old Redwood Highway. Since that evacuation, several low cost housing large apartment buildings have been added along Old Redwood Hwy near the proposed site and there will be many more residents to evacuate. If the Casino has to be evacuated that would add to traffic jams and possibly cost lives.

We have complied with water restrictions during several drought years. The casino will have to drill wells which will lower the water table. We conserve water in our home, but visitors to the Casino and Hotel will not restrict their water use.

There are 2 other Casinos in Sonoma County and adding a third will not be a benefit for our area.

We are strongly opposed to having this Casino built.

Thank you for your attention to this matter.

Carol and Joe Rash
180 Dartmouth Way
Windsor, California 95492.

rashcarol@yahoo.com

Sent from my iPad

EA comments for Shiloh Resort and Casino Project proposed by Koi Nation

To : Amy Dutschke, Regional Director
Bureau of Indian Affairs Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, California 95825

2023 OCT -2 AM 11:30
RECEIVED
BUREAU OF INDIAN AFFAIRS
SACRAMENTO, CALIFORNIA

Dear Ms. Dutschke,

Our local paper recently published articles about the proposed Casino 1/2 mile from my home in Windsor. I have grave concerns on the impact on our community if this Casino is built.

My husband and I have lived in Windsor since 1988 and have been pleased with the way our town has improved and grown since we moved in. The proposed Casino will be the largest in Northern California and will increase traffic and congestion in our area.

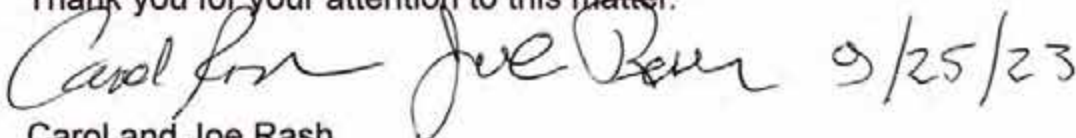
In 2019, we had to evacuate our town due to the Kincade Fire heading towards it. By Evacuating, our town was saved by the fire crews taking a stand. We had time for evacuation unlike many other towns that have been consumed by fires, but it took hours for an orderly evacuation because there are 2 main evacuation routes: US 101 and Old Redwood Highway. Since that evacuation, several low cost housing large apartment buildings have been added along Old Redwood Hwy near the proposed site and there will be many more residents to evacuate. If the Casino has to be evacuated that would add to traffic jams and possibly cost lives.

We have complied with water restrictions during several drought years. The casino will have to drill wells which will lower the water table. We conserve water in our home, but visitors to the Casino and Hotel will not restrict their water use.

There are 2 other Casinos in Sonoma County and adding a third will not be a benefit for our area.

We are strongly opposed to having this Casino built.

Thank you for your attention to this matter.

 9/25/23

Carol and Joe Rash
180 Dartmouth Way
Windsor, California 95492.

rashcarol@yahoo.com

From: Terry Abrams <terryabrams@hotmail.com>
Sent: Monday, September 25, 2023 5:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi casino

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I very much appreciate the need for means to sustain, educate and provide opportunities for Native Americans.

I believe the proposed hotel and winery on Shiloh Road in Windsor CA are suitable for the community. The proposed casino would add a serious negative impact on the local roads, water, and other resources of the area.

Thank you for your wisdom and work on this difficult issue.

Sincerely, Terry Abrams
(Larkfield resident of 47 years)

Sent from my iPhone
707-529-3662
Terry L. Abrams
ABRAMS CONSULTING

From: Karen Saari <karen.saari44@gmail.com>
Sent: Monday, September 25, 2023 4:47 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation casino

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I am a Sonoma County resident of over 45 years. I am opposed to the development of a casino for the Koi Nation as proposed. I supported the Graton Rancheria Casino. But my feeling is that there are now more than enough casinos in the area.

Can the tribe grow fruit trees, marijuana or organic anything? How about developing affordable housing (I mean truly affordable housing). I would find any of those options to be far more acceptable and provide a service to the tribe as well as the community. .

Karen Saari
Bodega, CA

From: Brooke Green <brooke8269@att.net>
Sent: Monday, September 25, 2023 4:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Mr. Broussard,

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

I believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. I believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

I would appreciate your expedited approval of this application.

From: Valerie Zanette <vzanette4@gmail.com>

Sent: Monday, September 25, 2023 6:40 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino / We Love Windsor's Community

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

We are just one small household with a wife, husband and cat in Windsor. We live right off Old Redwood Highway, close to Esposti Park. We love our community, we love our neighborhood and we love our neighbors!

Please don't build a casino in our neighborhood. It will change everything that makes this place special. A casino and everything that comes with it, doesn't belong here and isn't welcome.

Thank you.

From: Gerard and Cathy Wall <gerardandcathy@gmail.com>

Sent: Tuesday, September 26, 2023 7:00 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Casino proposal in Windsor, CA

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Mr. Broussard, I live in Windsor. There is no one in my neighborhood who is in favor of this casino. The native Americans who own the recently purchased land are not ancestral to Sonoma County. Their tribe is historically in Lake County which is far to the north. The reasons this casino is not desirable is that it is in a residential area that has bad traffic flow that is about to get worse due to large amounts of apartment construction in the area. Our roads are too small and narrow. We have had major fires and evacuation of residents will be a nightmare with the next fire. We already have three Indians gaming casinos. Saturation? Four of our local tribes oppose the new casino proposal. Please put a stop to this proposal!

Gerry and Cathy Wall
225 Deanna Place
Windsor, CA 95492

707 44 8920

Sent from my iPadre

From: Tim Swanson <timothyc0910@gmail.com>

Sent: Tuesday, September 26, 2023 9:57 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Thoughts / Opposition to Koi Nation of Northern California Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom This May Concern,

I am writing you in regards to the Koi Nation of Northern California Shiloh Resort and Casino Project. As a residence of Windsor, CA for the past 23 years, I am opposed to the casino project and ask for the BIA to oppose, the very least, the 2 larger proposals. If one of the proposals must be approved, the smaller scale hotel and winery would be the better option. Having been a part of building projects in the past, the environmental impact report does little to account for the culture and real dynamics of the Windsor/North Santa Rosa community. The amount of traffic this project to Shiloh Road/Windsor will be significant on an infrastructure which already floods during the Winter and is prone to fire during the Summer. In addition, the residences are significantly opposed to the project along with the City Council and County Supervisors. It is a project which the community at large believes is a poor decision and has the ability to create animosities at a time in which our culture is already significantly divided.

Pragmatically, every casino within an hour north of Graton Rancheria is faltering. Shokawah Casino in Hopland took a major financial hit following the opening of River Rock Casino in Geyserville. When Graton Rancheria opened in Rohnert Park, River Rock Casino took a major financial hit and Shokawah Casino closed. River Rock Casino is still struggling. The idea that Sonoma County can handle another casino is outlandish. A better option, if the project must move forward, is the hotel and winery. While still bringing congestion to this area and not consistent with the community space in which it would be built, it fits the feel and aesthetics of the region better than a casino.

Thanks for your consideration of this matter and I am asking that this project be opposed.

Thank you,
Tim Swanson

From: Rochell Letasi <cletasi@comcast.net>
Sent: Tuesday, September 26, 2023 10:32 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

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Dear Mr. Broussard,

I'm writing to you because I have deep concerns over the proposed Shiloh Resort and Casino Project. I drive this section of Shiloh Rd a few times a week dropping off and picking up my grandsons at their school, San Miguel Elementary School. With all the development currently in the works and planned there is already a concern over traffic and safety. Please also consider the neighborhood built in 1988 with approximately 78 homes located near the proposed casino site.

In the works now or will be in the near future are the following developments along Shiloh Rd.

Clearwater At Windsor: 376 Shiloh Road, a mixed-use senior living project with 256 apartments and commercial space.

Shiloh Crossing: 295 Shiloh Road, 173 apartments and commercial space.

Shiloh Terrace Affordable Housing: 6011 Shiloh Road, 6035 and 6050 Old Redwood Hwy, 134 apartments

Not only do we have to be mindful of the increase in traffic along the Shiloh and Old Redwood Hwy corridors but Windsor has also experienced fires which raises a huge concern for safe evacuations as we experienced the Kincade Fire in 2019. I have several family members who shared their experience evacuating the Tubbs Fire in 2017 and trying to make their way to safety through the traffic. Not something Windsor residents want to go through and are concerned about and rightly so.

With the casino there will be more traffic as well as crime. I have a family member who is in the security business and he worked with law enforcement in Rohnert Park after River Rock was built. Crime did increase! For whatever reason it seems the casinos have a tendency to draw the negative influence. Windsor is already experiencing residential and business thefts.

My husband and I moved to Windsor back in 1995 because it was a small quiet town and family friendly. We raised our 4 boys here and now have grandchildren who live here too. We don't want to see our charming town turned into a tourist destination with traffic and criminal activity. The Koi Nation's only focus is money and they care little about the surrounding neighbors otherwise they wouldn't be planning to build a casino. Like most developers, it

comes down to money and not the impact on the environment that surrounds the land they want to develop.

I understand the atrocities that our government posed on Native Americans tribes. Our history is flawed and we are ashamed of what happened but we are not those people. We wish no harm and want to see Native Americans tribes thrive but a casino in this particular location isn't the way to do it.

Please consider the concerns of the Windsor residents as you move forward.

Thank you,
Rochell Letasi
431 Christopher Way

From: DennyB <db6478@att.net>
Sent: Tuesday, September 26, 2023 10:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear sir;

Going by an article in the Press Democrat, I thought the Casino Resort was only on the East Shiloh Rd. address where the house is.
I did not realize they would be fronting on Old Redwood Hwy.

I don't see how you could even consider putting a Casino there. It has residential homes on East Shiloh Rd., there is a church right across Old Redwood Hwy. There is a mobile home park on Old Redwood Hwy.

There are apartments being built at the corner of Old Redwood Hwy and Shiloh Road and they are building right up close to the street, so there will not room to widen Shiloh Road.

Then looking through the documents, I saw a letter concerned about evacuation in case of wild fire. I read the Appendix N - Wildfire Evacuation Memorandum and I see they estimate it could take 4 to 6 hours to evacuate the cars from Windsor and the Casino. By that time people would be caught in their cars like the people in the Maui fire.

Please don't let this happen!

Dennis Blasi
Oak Creek Subdivision
jd3223@att.net

From: Mary Grishaver <marygrishaver@gmail.com>
Sent: Tuesday, September 26, 2023 11:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino development

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Hello,
I am adamantly opposed to this project. It will adversely impact the Shiloh Ranch Regional Park. The park is home to a rich variety of wildlife including 117 species of birds (see the Cornell ebird website). This diversity depends on keeping the rural agriculture which surrounds the park intact.
Thank you,
Mary Grishaver

Sent from my iPad

From: Jeanne Powell <jeannepowell@yahoo.com>
Sent: Tuesday, September 26, 2023 12:09 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hi Chad,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,
Jeanne Harris Powell

Jeanne Harris Powell
208 Johnson Street
Windsor, CA 95492
jeannepowell@yahoo.com
707-548-4444

From: RICHANDSHERYL LAWTON <rslawton@aol.com>

Sent: Tuesday, September 26, 2023 1:14 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] EA comments Kio nation casino project Shiloh, Windsor ca

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Hello,

I would like to express my deep negative support for the proposed development by the Kio Nation on the Shiloh site in Windsor, CA.

This location is directly across from residential development as well as a city park. Families and young children would be negatively exposed and impacted by adjacent gambling activity.

This location has been under recent mandatory evacuations due to wildfires and traffic congestion has already been witnessed. The highway 101 on ramps and off ramps can not handle the additional influx of vehicles potentially associated with this development.

The environmental impacts would be catastrophic especially on our water supply, dark sky opportunities, and noise levels.

I restate my negative support of this project and hope that my concerns are recognized, valued, and concerned.

Thank you for your time.

Sheryl Lawton

5338 Cassandra Way

Santa Rosa, CA 95403

Rslawton@aol.com

Sent from my iPhone

From: Ginna Gillen <ginnagillen@sbcglobal.net>
Sent: Tuesday, September 26, 2023 1:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

From: Virginia H Gillen, 9559 Ashley Drive, Windsor, CA 95492

Red flags! Fire Weather Watch! Nixles! As a resident of Windsor for the last 17 years, these are terms we have come to live with every Fall. And if you didn't know that you live in a "moderate to high fire zone" as the environmental reports calls it, you know it's serious when your water company sees the need to enclose a full-color, trifold brochure on emergency preparedness (including an Evacuation Map) in with your monthly bill. Two copies, actually, one for our spanish-speaking neighbors.

But what good is the evacuation map when you try to escape and find the only roads out clogged by the thousands (up to 2,450) cars that are pouring out of the casino several miles to the south. Not to mention the thousands of local residents also in mortal danger. We know that typically the fires begin to the north of us and the Diablo winds push the flames to the south, therefore Old Redwood Highway (2 lanes) and Highway 101 (4 lanes) are the only way out. Having experienced a controlled evacuation during the Kincade fire, I know that it can take hours to go several miles during the best of circumstances and without all the additional vehicles that the proposed casino would contribute.

I believe that for many, many reasons: water availability, traffic congestion, proximity to a residential area and local schools, etc, etc, the Koi Casino should not be built in the proposed location. But above all, the real impact would be to the lives of who knows how many Sonoma County residents who would be put in jeopardy by this reckless proposal. Just look at how many poor souls died in their cars in the Paradise and Maui fires. Don't let this happen here!

There are no evacuation zones, alarms, warnings, or sirens that could begin to mitigate the real danger of another fire sweeping thru our county with no way out because people failed to recognize what Mother Nature has already demonstrated. Please, stop the Casino!

From: Jeanne Duben <jdub@sonic.net>
Sent: Tuesday, September 26, 2023 2:10 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Oppose Koi Nation's Proposed Casino-Resort in Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

We vehemently oppose the proposed casino-resort in the Shiloh neighborhood of Windsor/Santa Rosa. Our primary concern is traffic as the streets nearby are already busy throughout the day. Adding a hotel/resort/restaurants and parking will only increase the traffic. Also, we ask that you consider the impact when an evacuation is ordered for the neighborhood.

While we don't live in the immediate area, our opposition to a casino/resort stems from a profound belief that this project is ill-suited for the area.

It is incumbent upon the County to consider the concerns we have articulated above. We sincerely hope that a more suitable location can be identified.

Jeanne & Richard Duben
9496 Lakewood Dr
Windsor, CA. 95492

From: Karen Reynolds <dualtoys@gmail.com>
Sent: Tuesday, September 26, 2023 2:20 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino in Windsor

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice my disapproval of the proposed casino by the Koi tribe in Windsor, California. I moved to Windsor in 1988 with my husband. We loved the Town of Windsor from our first day here due to its small town charm. We raised two children here. We watched Windsor change and grow and for the most part are pleased with the growth. However, a casino here does not fit in with the Windsor community feel. During the Kincaid fire and evacuation, I witnessed how even more difficult an evacuation would have been if a casino/hotel full of tourists were also trying to leave. I evacuated early, but had friends that left later and it took them over an hour to get to the freeway. I cannot imagine the traffic that a casino would have added.

Sonoma County, and all of California, have been dealing with droughts. Allowing a casino/hotel to be built will also cause strain on our available water. I continue to conserve water in my landscaping and daily use. Will patrons of a casino/hotel? I think not.

Please help us keep Windsor the wonderful place it is by stopping the proposed casino/hotel from being built.

Sincerely,
Karen Bronder-Reynolds

Sent from my iPad

From: julius orth <myntjulius@yahoo.com>
Sent: Tuesday, September 26, 2023 2:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino,"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

The objections from area casinos seem to dominate any news releases about the proposed Koi nation project, with the Graton Casino leading the way. Their objections are not in any way related to any environmental concerns, only business impacts on their properties and the concerns about "reservation shopping" (which is how the Graton Rancheria landed in its current location.

Form an environmental impact perspective, a casino is probably the most benign type of business for any location as the only thing they generate is human visitation and the waste that humans generate. This type of waste is efficiently handled by the business, making it minimally impactful. It will not result in the removal of any "native vegetation" as the proposed site is already significantly stripped from its natural form that would have existed at the time when our indigenous people were the primary occupants.

Environmental concerns from the neighbors are equally disingenuous. The subdivisions in the surrounding area have already had a massive impact on the environment, and no one will be volunteering to undo their impact.

The reality is that it is people that have already impacted the environment, and if there is to be another development the proposed project is no more or less impactful than most construction projects. The vast majority of the traffic will be from the freeway access, and with appropriate management and input, the proximity to the freeway is a huge advantage. It will take minimal adjustment to better accommodate arrival and departure traffic.

The reality is, this is as minimally impactful a development of the location, that can generate maximum benefit to the indigenous people that have been harmed by the history of the non indigenous arrival. It is the least we can do to support the Koi, and deliver them a pathway to security and prosperity after we destroyed their way of life.

Sincerely, Julius

From: Jackie A Ganiy <kashmere2u@icloud.com>
Sent: Tuesday, September 26, 2023 2:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

WeQDerar Mr. Broussard;

I am writing to express my opposition to the casino project that is being proposed for the area near Shilo Park in Sonoma County, off River Road between Windsor and Santa Rosa, California.

This project is ill planned and will syphon scarce resources that our overall communities depend on. The project will be within yards of a large neighborhood, where a vineyard now stands. A casino in this area is a horrible idea and will negatively impact the surrounding area, environment and quality of life for the people who have lived there for decades.

In addition, the county of Sonoma already has two large casinos, The Graton Resort and Casino in Rohnert Park that is the largest casino in Northern California with over 135,00 square feet of gaming space alone, and the River Rock Casino in Geyserville with 62000 square feet of gaming space. Both of these casinos have sought approval from the county for major expansion projects with the Graton Casino already breaking ground on their 1billion dollar project.

Neither of the two tribes who have ancestral ties to the land here in Sonoma County want this casino. The Koi tribe doesn't even have ancestral ties to Sonoma County! Their ties are in Lake County, where there are no casinos. They simply purchased the vineyard in Sonoma, near neighborhoods and a state park, and are now trying to build a huge gambling site on a pristine rule area of our county even though historically their ancestors were never here.

Neither county officials, citizens of Sonoma County nor the two tribes within this county want an outside tribe to be able to simply purchase land here and start building casinos. This would set a terrible precedent. Where will it end?

I hope you consider very carefully the ramifications of allowing this casino project to go forward. Thank you for your time.

Sincerely
Jackie Ganiy

From: Kathleen Rowland <wiedhopper@me.com>
Sent: Tuesday, September 26, 2023 6:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Robert <rowlando@prodigy.net>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard,

I respectfully urge you to reject and or reduce the plans for a casino or any gambling entity proposed for the property on Shiloh Road in Windsor. This property was never a "homeland" for the Koi "tribe" according to four other tribes in Sonoma County. The Koi homeland is in Lake County as I understand the historical perspective. So I'm confused as to how this commercial project has reached this point. This project has been opposed by four fellow Indian Tribes and possibly more if research was conducted.

My family and I have lived within a mile of the proposed property for 34 years. The impact of such development will not only affect our safety in the event of fire evacuation but will affect our quality of life. Issues such as water and sewer resources, our rural dark sky's threatened by unnatural lighting from such a huge project, not to mention the riparian issues of the creek running through the property.

I have a degree in anthropology from the University of Denver and have been employed in the past doing field work for University of Denver and the U.S. Park Service in archaeology work. I only bring this up in reference to my appreciation of Native Americans. This is not the right place or the right time for this project. Please help protect the rural area.

Sincerely, Robert Rowland and Family

September 26, 2023

email rowlando@prodigy.net

From: MICHAEL SKAGGS <maskaggs@comcast.net>
Sent: Wednesday, September 27, 2023 5:13 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard

It is clearly obvious to anyone who is familiar with the location of the proposed Koi gambling casino, that this location is completely inappropriate. I am sure you have heard all the arguments about tiny one lane roads, neighborhoods and parks literally feet away from the planned casino. I have lived in the area for nearly all of my 60+ years and have never been so disturbed about a development.

The idea that some non indigenous tribe could be allowed to destroy our lives and property values in pursuit of the almighty dollar is borderline insane. They could have procured land just half a mile west on Shiloh road in a commercial zone next to highway 101 and that would have been safer and frankly a better and lower cost to build venue.

The massive Tubbs fire (2017) burned right to the edge of their property and we will certainly have fire again. I remember evacuating during that fire and the Kinkaid fire (2019) when it took nearly two hours to drive two miles on Old Redwood at Shiloh Road. Since then, there is even more development in the area and if you add a 24/7 casino, it will be a disaster.

I implore you and the Director to come up here to Windsor and see the site for yourself. Then you can truly see why the local population and "actual" local tribes are so upset. This is nothing but an attempted end run around the law by an out of area tribe and should not be allowed to proceed.

Best regards,
Mike Skaggs
Windsor, CA

From: Bill Bolster <billbolster@gmail.com>
Sent: Wednesday, September 27, 2023 8:46 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I am the owner of the property at 6500 Faught Rd., Santa Rosa, CA 95403. My family has lived here 46 years. The property has 2 wells, both in the last 5 years have started going dry. One is totally unusable. The proposed development will further stress the groundwater of the area. Without a source of water other than wells, this project should not proceed. Who compensates me when my 2nd well goes completely dry.

Also, if the project proceeds in any scale, having access to this proposed project off of Shiloh Rd. (a residential and rural residential road) makes no sense. Old Redwood Highway is the obvious entrance.

William Bolster
6500 Faught Rd.
Santa Rosa, CA 95403

From: Roger Nichols <roger5cents@icloud.com>
Sent: Wednesday, September 27, 2023 9:42 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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From:

Roger Nichols
4241 Chanate Rd
Santa Rosa, CA 95404

To Whom it May Concern

Re: EA Comments on Koi Nation Shiloh Resort and Casino

The proliferation of gambling-based resorts in California and around the country on small plots of land which end up being designated exempt from state and local restrictions regarding such business is a disease for our society. The worst-case example of the entire state of Nevada allowing such businesses make for places like Las Vegas which, while driving significant economic up-side, result in a thin shiny facade covering human behavior riddled with addiction, crime, and corruption.

From the environmental perspective, the direct impacts of the planned resort will include significant addition of automobile traffic with the natural increase of noise pollution, air pollution, and humanity's unfortunate tendency to litter. This will happen in an otherwise quiet section of the county and Windsor proximity.

An underlying problem will be the increase of automobile traffic piloted by intoxicated drivers which will exacerbate the issues described above. The counter-arguments are that such behavior exists without casinos, bars, and hotels. But it must be acknowledged that such establishments drive a concentration of such behavior to the communities and general proximity of the locale.

While it is not a direct environmental impact, it must also be considered that Fought Road and Shiloh Road are common cycling routes for those wishing for a quiet bypass of Old Redwood Highway, and shorter routes to places like Chaulk Hill Road. The incremental traffic is dangerous enough for the cyclists without being augmented by inevitable intoxicated drivers exiting (and perhaps even entering) the casino and bar. So the impact will be to reduce cycling and increase automobile traffic in the vicinity which is the opposite of a positive impact on the environment. Also it is good to keep in mind that at least two alternate routes to this location from the Old Redwood Highway to the resort go past public schools.

While those planning the resort will claim that they cannot be held responsible for the behavior of their clientele, there is no doubt that the mere existence of such an establishment will

concentrate this kind of behavior.

This general community and the entirety of Sonoma county has no need for incremental gambling establishments.

Sincerely,

Roger Nichols

From: Murray Evans <studentsportssw@yahoo.com>
Sent: Wednesday, September 27, 2023 9:43 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Sincerely,
Murray Evans

From: Richard zolli <richard.zolli@att.net>
Sent: Wednesday, September 27, 2023 11:04 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

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I am extremely opposed to a casino at Shiloh and Old Redwood HWY. That is absolutely no place for a 24 hour casino. The 3 other corners of that area are primarily residential....I would not want to live across the street from one. If anything is to be approved , #3 option is the only one although none are really necessary....

TRACER HEALTHCARE SYSTEMS
BUREAU OF HEALTH SERVICES

September 13, 2023

2023 SEP 18 AM 11:39

Dear Chad Broussard,

I am not in sympathy with the proposed project in the Shiloh neighborhood for several reasons.

This project will cause congestion in an area that is already subjected to stopped traffic during rush hour. Hwy 101 creeps along, so commuters zip over to Old Redwood Highway only to creep along in more traffic. Cars mean pollution.

In the event of fire evacuation many people will not make it out. My house burned in the Tubbs Fire and I will never forget my terror that night. I wondered if I would burn in my car because there were so many other cars trying to escape the flames that night. You have no idea!

The area where the casino is proposed is made up of family neighborhoods which include schools, parks and churches. Families moved here for the safety and relative quiet. Can you imagine the negative impacts of a casino on this area? Crime, drunk driving, night noise, more lights to add to an increasingly light sky at night. The area is popular for cyclists - me included. Just wait for the first drunk to kill a cyclist. It will happen.

I am sure you know that our supervisors and Sonoma County tribe members are opposed to this casino project. We have 2 casinos in Sonoma County and the poor of the county do not need another one. You know it is called "a poor tax" because it is predominantly those who have little enough money as it is who try to "strike it rich". That's a crime in itself. Gambling is a social evil.

Finally, you know, as do we all, that this casino would be run by a management company out of Oklahoma. Outsiders all round - the KOI, Oklahoma, and the gamblers to be arriving on buses.

This location as it is now is a beautiful, vine-filled stretch of countryside backing up to lovely Shiloh Regional Park. Please find somewhere else more appropriate (with more elbow room) to stick your buildings.

I am astounded at the line "the BIA will decide whether to reach a Finding of No Significant Impact" They don't have to live here. Read them my letter!

For shame!

Mary Hess

From: Spencer Pahlke <spahlke@WalkupLawOffice.com>
Sent: Thursday, September 28, 2023 1:19 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Tina Sessions <tsessions@gmail.com>; Spencer Pahlke <spahlke@WalkupLawOffice.com>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad Broussard,

I write regarding the possible Koi Nation Shiloh Resort and Casino.

I am a homeowner east of this location, and drive along Shiloh Road frequently. Every time I drive through, I am struck by how incongruous a casino / resort would be in this location. This casino would be just across the street from a long-time residential neighborhood and a historical park, in sharp contrast to Graton and River Rock. It is unimaginable to me what life would be like for these homeowners if they have a 68-acre casino move in next door.

More frighteningly, this is a high-fire danger location. Twice in recent years major fires have burned up to or into the Shiloh Estates development, necessitating immediate evacuation. Having a bottle neck for evacuation at the bottom of the hill in the form of an enormous casino is terrifying.

Even in good times it is completely unclear how the land could support a casino. Water is a precious resource that our community carefully monitors and protects. The water that would be pumped from the local aquifer to support a casino of this size is extremely concerning.

There are other places for this casino, and I hope that the BIA elects to follow practices it has in the past, and ensure that casinos are only built in locations where they are appropriate. This is not one of those locations.

Thank you,
Spencer

THIS ELECTRONIC MESSAGE, INCLUDING ANY ACCOMPANYING DOCUMENTS, IS CONFIDENTIAL and may contain information that is privileged under federal and/or state law. If you are neither the intended recipient nor responsible for delivering the message to the intended recipient, you are not authorized to read, share, forward, distribute, copy, or take any other action with respect to the message or any attachments to the message. Further, you are not authorized to take, or forbear from taking, any legal action in reliance upon the contents of the message. If you have received this communication in error, please notify the sender immediately. Thank you.

From: Alexandria Mangold <alexmangold25@gmail.com>
Sent: Wednesday, September 27, 2023 1:35 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Department of the Interior
Attn: Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Wednesday, September 27, 2023 2:14 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad,

As a resident of Windsor I'm disheartened by the wholly inadequate environmental assessment that's been done. The suggestion to rip out riparian crossings is destructive to our community and the opposite of protecting wildlife.

Researching urban wildlife by googling the Cal Fire website is completely negligent and unacceptable.

There has been no mitigation offered for the 24/7 noise and light this project will cause.

This tribe has NO LINKS to this area and they are casino shopping. The local tribes are AGAINST this project.

This is the wrong location for the casino. This is a residential neighborhood.

The casino will bring an increase in crime and Windsor cannot currently even fill the open police officer positions it has.

This project will destroy the neighborhood and home values.

This project should not move forward.

Mary-Frances Makichen
241 La Quinta Drive
Windsor 95492

From: Mary-Frances Makichen <mfmakichen@gmail.com>
Sent: Wednesday, September 27, 2023 10:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Dear Chad,

It became more and more apparent throughout the night as speakers left comments through the zoom meeting that everyone understands how catastrophic this project would be to the community and neighborhood.

It also became more and more apparent how ineffective the environmental assessment was, that Acorn consulting did. On every front on every issue they said it would not create significant damages again, there is not a person that attended that meeting for public comment that did not know this was not true. It was brought up many times. That report itself is inadequate, insulting, and I question the validity of what the report considers significant.

The Koi tribe should be looking for land in Lake County not Sonoma County. This is fact. It is undisputed fact they do not belong in Sonoma county let alone in a residential area for a casino. They are casino shopping.

The harm that this casino would do will be irreparable and will go on for years and years to come. If people die in fires, the blame will sit squarely with the BIA. When, not if, crime increases the pain of victims will sit squarely on the BIA. When the wells of residents dry up because the water table is depleted by the casino the responsibility will sit squarely with the BIA.

It's not even a question that the casino will cause damages to residents through crimes like drunk driving, endanger all of us when we have to evacuate for the next fire, harm the wildlife, create horrible traffic issues which the report clearly states basically, "oh, well, we don't have authority over that, but you know we suggest something happen to not make it bad." This doesn't even begin to touch on the unregulated wastewater system, and the problems that would cause.

The extent of the damage is beyond measure. It is completely a joke that this report says there is not significant damage on all these fronts.

The BIA must deny this project. Clearly, it could be denied on the basis of the tribe not being from Sonoma County. They do not have standing here.

If the BIA does not deny this, it will be responsible for the series of catastrophic events that will come from this project and come they will.

I feel very strongly that more attention needs to be brought to this issue. The media really needs to be alerted to what is going on here because it is extremely unacceptable and if we were a

town like Healdsburg or Palo Alto or Menlo Park, this would never even be considered.

Sincerely,
Mary Makichen
241 La Quinta Drive Windsor

From: Gary Furness <kreepshow@comcast.net>
Sent: Wednesday, September 27, 2023 6:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi project

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Dear Sir

I likely will not called.
I have lived. And had a Family Medicine practice since 1982.
While I feel a bit sorry for those living near the proposed site, I have seen
The same complaints about River Rock and Groton casinos.
The hyperbole about crime, traffic etc, have not played out.
Please allow this tribe and their members allow to make money similar
To many other tribes in California.
Thank you.
Gary Furness,MD
331 Gemma Circle
Santa Rosa,CA
95404

From: Beth Allen <b_allen22@yahoo.com>
Sent: Wednesday, September 27, 2023 7:25 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Comments on Koi Nation Project in Windsor

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Hello,

I want to share my comments for this project. I do strongly oppose a casino in this location, I feel strongly that our town cannot support the traffic and additional people that a casino will bring. That said, I do feel that a nice resort would be a nice addition to our town, i am in favor of the resort without the casino.

Respectfully,
Elizabeth Allen
166 Courtyards East, Windsor
Sent from my iPhone

From: KEVIN WARREN <cajunce@comcast.net>
Sent: Wednesday, September 27, 2023 8:05 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The proposed casino plan and assessment has numerous flaws. I believe the consultant group preparing this report could provide a compelling case that the earth is flat.

The traffic reports are averages that do not reflect the existing realities. Traffic is backed up on Shiloh numerous times of the day already. The data does not take into consideration the 134 apartment unit building that is under construction nor senior housing proposed closer to the freeway.

Crime levels of an estimated 1433 police calls a year. This is suppose to be okay for the community.

Noise levels are being underestimated with plans stated for concerts and 24 hour activities. Cars coming and going, doors opening and closing, loud operational noise. Noise would be a huge problem.

Unemployment levels are already low ~3.8% with numerous helped wanted signs throughout Sonoma County. The report lists Marin County as a potential place to get workers. Marin County is over 30 minutes away without traffic. Marin County has a 3.7% unemployment rate and it is a very high priced area. Very few if any workers would come up North for a casino job. Any interested worker from Marin County would work at Graton Casino in Rohnert Park. Housing is already in short supply in Sonoma County and expensive.

The casino market is already saturated in Sonoma County.

The proposed casino is in a horrible place for the community. A casino does not belong right next to a subdivision. This land is agriculture land that was part of a community separator between Larkfield and Windsor.

A on site visit to the area will show that the costs to the community and thousands of people far out weighs a 90 member tribe that is from Lake County looking for money at the expense of everyone else.

Please reject this flawed proposal!

Thank you,
Kevin Warren
cajunce@comcast.net

From: Pat Warren <patdjw7@comcast.net>
Sent: Wednesday, September 27, 2023 8:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Resort and Casino

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The proposed Koi Casino project is in a horrible place for the community. Across the street from a subdivision is a alternative that can NOT be mitigated. The report gives questionable facts about the reality of the area.

Traffic, crime, light pollution and noise are understated and the proximity to a neighborhood across the street make these items all the more problematic. The casino would destroy the character of the area with 24 hours of activity.

The economic impact to the community is being overstated. Unemployment is low and many businesses are looking for employees already. Housing is scare and expensive.

There are already casinos in Sonoma County from tribes from the area. The report is flawed when it down plays the effects to the existing casinos. River Rock Casino's revenue dropped immensely after Graton Casino was established. Could they survive another big hit on their business? The casino market is saturated in Sonoma County. The Koi are from Lake County and may be within a crow fly distance but if you drive to Lake County from here you will see it is a totally different area.

An on site visit will show that this is not a project that will fit into the community.

Please keep this casino out of the neighborhood.

Thank you,
Patsy Des Jardins Warren
patdjw7@comcast.net

From: Molly Weiss <weiss.mollyj@gmail.com>
Sent: Wednesday, September 27, 2023 8:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Against Shiloh proposed casino site

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I am deeply concerned with the proposed project on Shiloh road. I live about .5 miles away and drive Faught Road every day to drop my daughter off at school. As one person mentioned at the public meeting, this place is magical. A casino does not fit here, and brings heightened water and fire risk that will directly impact my family. Please listen to the community.

Molly

Sent from my iPhone

From: Robert Kloetzer <rgkloetzer@gmail.com>
Sent: Wednesday, September 27, 2023 8:45 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Hearing Comment

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Hi Chad,

My family and I live 0.5 mile away from this proposed site near San Miguel elementary school. I fear that if a casino goes up in the proposed site there are too many safety and environmental issues that have not been addressed by the Koi Nation. This area is a rural agricultural area and this project is not suitable for this location.

Please do not approve this project.

Cheers,
Bobby Kloetzer

From: Karen Guerin <lucyfan1@sbcglobal.net>
Sent: Thursday, September 28, 2023 4:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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A casino resort of this size does not belong in a neighborhood. Families currently living in the area where this is being proposed would have never purchased homes to live and raise their family had they known this would be considered. The lights, traffic, noise 24/7 will impact and disrupt their lives.

#1 My family barely made it to safety during the 2017 fires that raced through our town. Traffic was the problem! This area, these roads cannot handle 5000 more cars per day.

#2 We don't need jobs! Businesses are closing due to lack of employees. I run a business and am responsible for doing the hiring. It's extremely difficult finding workers. There are an abundance of jobs.

#3 A resort casino of this size will bring down property values. People don't choose to live where there is traffic, noise, bright lights and crime 24 hours a day, 7 days per week. A casino resort absolutely does not belong across the street from a park and a church and homes. Families purchased homes there because it's quiet and safe and it's surrounded by vineyards and parks. The Riparian Corridors are going to be ripped out in order to build this resort. Families chose this area because of the beauty of the natural surroundings.

#4 A casino resort of this size has never been built in an existing neighborhood. Why? Obvious reasons! Would someone choose to build their home between two skyscrapers? Absolutely not! It doesn't belong there.

A casino resort DOES NOT BELONG IN A NEIGHBORHOOD! If this project goes through, the "Town" of Windsor will be forever changed. The people living there will have their lives disrupted and turned upside down.

Regards,
Karen Guerin

[Sent from AT&T Yahoo Mail on Android](#)

From: Paige Mazzoni <paigemazzoni@gmail.com>
Sent: Wednesday, September 27, 2023 9:01 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Comments on environmental impact of proposed casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice our strong opposition to the proposed casino off of Shiloh Road. As you are no doubt aware, the Koi Tribe from Lake County has recently purchased vineyard acreage adjacent to a series of single-family residential neighborhoods, located at the crossroads of Old Redwood Highway and East Shiloh in North Santa Rosa/Windsor. They have announced plans to build a large casino complex, including multiple restaurants and a 200-room hotel. Our neighborhood, and all neighborhoods in the surrounding area, are very distressed by this plan and ask for your support in stopping this development. While we understand the need to address the wrongs committed against indigenous people in our country, we are confident that this proposed development is not an appropriate manifestation of those efforts. There are several reasons for our lack of support:

- It is well documented that the Koi tribe comes from Lake County. That is their tribal heritage and land. They did have a trade route through Sonoma County. All history and knowledge of this trade route shows that the path followed the Russian River and did not pass through the Windsor area. That was not the direct path followed. There should be no claim to this land as tribal land for a tribe from Lake County, either inherently or via a trade route. Rather, the land is prime real estate that is attractive. That does not justify tribal trust land jurisdiction.
- The neighborhoods adjacent to this proposed casino are middle class, mostly long-time resident neighborhoods. We are families, retired couples and citizens that have invested in our properties for a lifetime, planning to retire in the area because it is quiet, safe and family oriented. To introduce a casino in the midst of these neighborhoods would immediately and irreparably damage both the quality of the residents' lives as well as their lifetime investments.
- It is well established that casinos cause an increase in prostitution, drunk driving and crime in the immediate area. In the Thompson, Gazel and Rickman study of 1996, the researchers found that, "that the casino or near casino counties had rates of major crimes 6.7% higher than expected and Part II offense arrest rates were 12.2% higher than non-casino counties. They concluded that the **introduction of casino gambling is associated with increased crime.**" (Thompson, Gazel, & Rickman, 1996). This increase in crime will not be isolated in a remote area, focused on the casino. It will spread into multiple nearby residential neighborhoods.
- In addition, there are several elementary schools and two high schools within a 7-mile area of the proposed casino. This increase in crime will play out in the lives of these youth and, without a doubt, be an enticement to them in terms of underage drinking and possible crime.

- Traffic in our area has already been increased due to the shopping center on Shiloh and the Sonoma County Airport area. Most days the commute to work involves a 20-minute journey from Old Redwood highway to the freeway access at Shiloh and 101. There is no other clear pass for an on ramp, since all potential pathways run directly through residential neighborhoods. There is no place for traffic to a casino and 200-room hotel to go but onto Shiloh and Old Redwood Highway. This will create incredible backups and traffic issues, increase accidents and clog the flow of movement for everyday life in the area.
- Our neighborhoods that directly adjoin the proposed casino property have all been evacuated consistently during fires in Sonoma County. The evacuations cause traffic. In the Tubbs fire, as you know, lack of planning for traffic in emergencies caused deaths due to people not being able to drive or get to safety fast enough. We are very concerned that a casino will exacerbate this issue in our area, causing horrific impacts that can be avoided.
- While we understand that tribal land developments are not held to CEQA standards, the surrounding areas are. We have red tailed hawks, barn owls, fox, flowers, bobcats and many other forms of wildlife in our area. We see them frequently. There is no way that a development in that vineyard will not significantly damage the environmental surroundings and wildlife present.
- We already have infrastructure issues in our area. Cable lines are overloaded and have not been upgraded. Internet is not strong. To put the size of a development proposed, with the individual televisions, internet connections and technology needs required of a hotel and casino, would completely damage the ability of our neighborhoods to enjoy such needed activities as working from home or basic recreation such as watching a movie at home. In addition, we are in a drought and already limiting our water intake, plant care, etc at the request of the city and county. To put this large a facility in the middle of a fire zone affected by drought seems irresponsible and very inequitable to the local residents being asked to cut back.
- Water-- We are all on water mitigation measures in the nearby neighborhoods. We can only water on certain days, we are held to very tight water standards. To put a 200- room hotel in this area is just not environmentally sound. Water mitigation measures would suggest we already not support the housing in place, including the new low income housing on the corner of Shiloh and Old Redwood Highway. To add a resort with high water needs, who are not monitored in the same way, will have environmental impact on other residents in the area who are already limited in their water consumption.

For all these reasons, we feel this casino must be stopped. We are asking for your support in stopping this development. We are happy to discuss any further points with you. Thank you for your consideration.

Respectfully,

Paige Mazzoni and Brad Pighin

From: Sean Jones <sjirish@gmail.com>
Sent: Thursday, September 28, 2023 9:50 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, KOI Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello,

Please find this email as my opposition to the project in its entirety. I am a Windsor resident but do not live close to the project site. My comments are not to be taken as a NIMBY type of response, rather as a common sense review of the project, specifically as it relates to public safety.

I am a local first responder and was involved in the multiple evacuations of Windsor residents during our unprecedented firestorms of 2017 and 2019. The Town of Windsor and its unincorporated surrounding neighborhoods do not have the infrastructure to support this type of project. In the event of another natural disaster, it will take the residents of Windsor and surrounding communities over two hours to get to safety. That is without the presence of all the additional employees and patrons this project would bring. Without additional evacuations routes being built, multiple fatalities would occur before everyone could be rescued.

Also, article 2.1.7 of the EA mentions the tribes intent to partner with the local Sheriff's Office for law enforcement services. I do not see any letter of intent from the Sheriff's Office to actually supply those resources. It could be because both the Sheriff's Office and Town of Windsor Police are severely understaffed and incapable of supporting the increased workload generated by this project, regardless of how much money the tribe throws at them. Law Enforcement staffing at the local and national level have seen a significant decrease in staffing in the last few years, so much so that most agencies are offering significant hiring bonuses and still unable to staff their ranks. Local law enforcement will be unable to manage the increase in crime this casino will surely bring in.

I echo every local resident's opposition to this project. The only ones in favor of this project are the union carpenters who clearly voiced their support from pre-printed messages from their union representatives. I urge you to deny this project completely.

Thank you.

From: Joan Chance <joanchance@comcast.net>
Sent: Thursday, September 28, 2023 10:25 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please accept this as I accidentally sent a rough draft to you previously.
One attachment • Scanned by Gmail

September 27, 2023

Dear Mr. Broussard,

For over 30 years, we have lived in this neighborhood, our children were raised here, attended the local schools here, discovered wildlife in Shiloh Regional Park, played baseball at Esposti Regional Park and had adventures exploring up and down the Pruitt Creek bed in the summer when it's not running. Unfortunately, if there is a casino, our grandchildren will not be able to enjoy those pleasures because of the noise, crowds and traffic. It will no longer be safe in our serene neighborhood.

We have two major concerns, fire and water. It would be hard for anyone to understand an evacuation unless you have been through one yourself. No matter how well prepared you are for an evacuation, gathering last minute belongings, rounding up pets & livestock and heading out the driveway is just the beginning. It took 1 1/2 hours to drive one mile to Highway 101 in 2019 fire when we received the evacuation request. The flames and smoke were visible at the top of Shiloh Ridge. Pruitt Creek became a wind tunnel while the fire raged our way chased by the wind. A planned, organized evacuation for a compound of what the casino proposes to build cannot be executed when the flames are on your heels. People are not always rational especially when they have been partying and drinking at all hours. The roads would be completely grid locked with little or no chance to escape.

Most of us in the immediate area are on wells and are conservative with our water. The casino will be using more water in one day than the locals will use in one year. When the water levels drop, the quality of our water drops as well. This is a problem with no solution. Our water is a precious commodity that we depend on. Also, the sewer reclamation site on the property will have an aroma and extra noise from the pumps no matter how much this is denied in the impact report. The excess runoff and treated water will be released into Pruitt Creek according to the impact report. Pruitt Creek ties into Mark West Creek. In the past, Mark West Creek has backed up and flooded neighborhoods. We were a victim of the flood and had to raise our house 2 feet to prevent flooding in the future. The other neighbors are still at risk for flooding.

There is mention of widening Shiloh Road. We didn't notice where the expansion was noted on the casino property maps. How the road would be widened was not acknowledged. At least four immediate neighbors front doors are approximately 35 feet from the road currently. Does that mean that our property would be taken by eminent domain? This would uproot many people in the neighborhood that have lived in their homes here for many years.

It is completely perplexing why a casino would be planned in a residential neighborhood. I have not met any parents who would support a casino to be built near the 3 elementary schools close by. Our quiet community would be inundated by traffic, drunk driving, crime, public safety

concerns, and continual noise & lights. THIS IS NOT THE RIGHT PLACE TO BUILD A CASINO.

The Town of Windsor supported the resolution to oppose the casino. The city of Santa Rosa supported the resolution to oppose the casino. The greater population of the neighbors oppose the casino. Representatives in Washington have spoken against the casino. Please consider this plea to build the casino in a commercial or industrial area that is appropriate, not here.

Sincerely, Brad & Joan Chance
141 East Shiloh Road

From: Janice Lon <janlonny@gmail.com>
Sent: Thursday, September 28, 2023 2:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe casino

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Dear Sir,

As a former resident of Chalk Hill Rd and present home owner in Santa Ross
I strongly oppose this proposed casino development. I totally agree with the local Indigenous Peoples logic and reasons as well as the present residences objections.

Please reject this project.

Thank you,

Janice Kane

janlonny@gmail.com

Sent from my iPhone

From: Ken Moholt-Siebert <kmsarchitect@gmail.com>
Sent: Thursday, September 28, 2023 2:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Melissa Moholt-Siebert <mmoholtsiebert@gmail.com>
Subject: [EXTERNAL] Koi Nation Casino Project with conversion of vineyard land.

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Dear Mr Broussard,

I read in the paper that public comments are accepted until October 27 on this project. This I am writing you now. These are my thoughts:

I live and farm a vineyard property at 4120 Old Redwood Hwy, Santa Rosa, CA 95403. My property is pretty much at the southern end of a greenbelt between the city of Santa Rosa to the south and Windsor to the north. The property that the Koi nation proposed to convert to a casino is at the northern end.

Sonoma county cherishes its agricultural identity. A hallmark of that identity is its wine industry. The county produces some of the very best wine in the nation, and is second only to Napa in recognition. This is because of the rare combination of suitable climate and soil in a large enough valley to support enough growers that a community has developed and can sustain this industry.

The suitable land for our vineyard industry is finite, and in fact, the total acreage in vineyard has not increased for decades. Over time, the better vineyard sites are converted to urban use, and the topsoil forever lost.

To some extent, more difficult sites with many environmental issues are converted from grazing land or forest use to vineyard, but this replacement is not like for like, and such a process is unsustainable. Only six percent of the land in Sonoma County is in vineyard. The other ninety-four per cent is either already urbanized, or unsuitable.

The county has sought to enforce urban growth boundaries, and preserve an agricultural identity by limiting land conversion in the greenbelts between cities. This is especially important on the 101/ Old Redwood Highway corridor.

But the greenbelt between Santa Rosa and Windsor is particularly vulnerable. On the one hand, it is an area known for growing excellent wine grapes since at least the 1870s, and in recent times, has been identified as the Eastern Hills "neighborhood" of the Russian River Valley, with distinct and desirable characteristics that show up not only in the tasting notes of wine reviewers, but also in rigorous chemical analysis done at UC Davis. As such, it is one of five "species" you might say of vineyard identified the

Russian River Valley. On the other hand, it is the neighborhood or species of the Russian River Valley most fractured by urbanization and with the fewest number of remaining viable vineyards, and therefore most endangered.

The simple fact is, urban uses and vineyards are not compatible. In my own operation, I have a school next door, which severely limits the time that I can spray for mildew. I have backed up traffic on Old Redwood Highway in front of my driveway a different times of day, making it difficult to get my truck and trailer with my tractor in or out. A couple years ago, as I was coming back from another vineyard I farm, a motorcyclist was following me, unseen by me. As I proceeded to make a right turn in at my gate, he chose to pass on the right, with disastrous consequences. These, and other such interactions, are the consequence, direct and indirect, of urbanization of rural land and resulting increase in points of conflict.

I have deep roots here; I follow a furrow first plowed by my grandfather almost seventy years ago. But, the day may come when I no longer have the will to fight the tide of urbanization. Grape growing is not something you do all alone. There's a community of growers and wineries and support businesses that require certain environmental conditions to survive. If I am to continue as a grape grower and pass that on to my daughter and son, then either I need that environment to be protected, or I need to move to another place where those conditions still exist.

So far, I hold out. The Tubbs fire came, and burnt everything, including our vines. My wife and I took our insurance money, and used it to replant the vineyard my grandfather first planted. We still don't have our house rebuilt; we are building that, by ourselves, piece by piece. Meanwhile in the vineyard, it has been a long wait, but this year, we finally get our first crop of significance since the fire!

It would be a shame, to have worked so hard to save the family farm after that disaster, only to lose it another way, through urbanization.

There are a certain number of viable vineyards and other farms between my place and the site that Koi nation has proposed to convert. But they are few in number and the one that Koi nation has purchased is one of the larger ones. It is a keystone property, and if it goes, all the farm and vineyard property along Old Redwood Hwy between me and them will go also. And so also, the environment which my farm depends. So what happens there matters much to me.

Some will say that the Koi nation development preserves a certain amount of vineyard. But the amount that will be saved is vestigial. To farm a given site economically, you need the vineyard blocks to be of sufficient size with as few turns at the ends of rows as possible. You need the freedom to get dirty now and then, and you need some place to store your equipment. The site plan for the proposed casino takes most of site area, and puts the casino and its parking in the middle of the site, leaving small bits of vineyard around the edges as decorative landscaping.

The proposed development makes much of the local heritage of grapes and winemaking. The development materials are big on a vineyard theme. But the development is actually destroying the thing it is supposedly honoring. A viable vineyard is not landscaping; it has to be a real farm, of sufficient size and with a suitable layout that a farmer can actually make living from it.

Ninety-four percent of the land in the county is not vineyard. Only six percent is vineyard. The Koi nation and their partners in Gaming have plenty of suitable land to choose from. They have chosen this land because it has been zoned agricultural, and being so restricted by zoning, is priced less than urban land. In other words, they get to play by different rules, and their plan has been to get the land on the cheap as a result. But they of course plan to convert it into urban use.

If there was virtually unlimited vineyard land, or land suitable to vineyard available, this might be reasonable from a public policy point of view. And it might seem less critical if the greenbelt were very wide and not already tenuous. But in fact, the Koi nation has selected land that cannot be replaced for its present use as vineyard, and which, when converted, will greatly degrade the farming environment that the remaining few farms depend upon.

And they do have other options. There is land that can be acquired, both existing urban land, and agricultural land, but with less significance for such a key industry. Fully ninety-four percent of the land in the county might be considered, without endangering vineyards. For these reasons, I oppose the project.

—Ken Moholt-Siebert

4120 Old Redwood Highway, Santa Rosa, CA 95403 * (707) 542-3099 * kenms@teleport.com

From: Laurel Jew <lmj.talk@gmail.com>
Sent: Thursday, September 28, 2023 2:50 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Tribe Casino proposal

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I missed the zoom meeting on this last night for Sonoma County residents, but I too would like to register my DISapproval of this project in the strongest terms. I live less than a mile from the proposed site and my family's quality of life would suffer significantly from the increased traffic, power requirements, additional lighting, and groundwater availability associated with this project, not to mention the issues of crime and enforcement on unincorporated county land where the Sheriff's Office is already overburdened trying to meet demand for services. Further more, I am outraged that a non-local "tribe" that has no ancestral connection to the land they recently purchased, is planning to bring in a non-California tribe to manage (and receive a large portion of revenues) a project that will impose significant increased costs on the County to administer and police. Our neighborhood does NOT need or want a casino, and furthermore, Sonoma County already has more than enough casinos in place and creating costs to police and supply with resources!

Please DISapprove this project!!

Regards,
Laurel Jew
95403 (zip)

Sent from [Mail](#) for Windows

From: Jon Phillips <jbphilli@gmail.com>

Sent: Thursday, September 28, 2023 2:52 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Public Comment - In opposition of the Koi Tribe's proposed casino project between Wikiup and Windsor

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Good afternoon,

I'm writing as a member of the community in opposition to the Koi Tribe's proposed casino project between Wikiup and Windsor.

Please consider the following points when making your decision.

To begin with, this tribe is NOT a member of our community. They should consider incorporating their project near where their tribal lands are.

If this project were to be approved, it would have the following negative impacts:

Water - we already face a limited amount potable water resources in northern Sonoma County. This project would only make availability of that resource even more precious and less sustainable.

Traffic - Ingress and egress to this property is already a challenge with our existing roadway infrastructure. If the prediction of 1600 more cars a day is accurate, our traffic will significantly increase, which also will subsequently impacts public safety response from day-to-day calls for service, to a severe emergency situation like another wild fire.

Tourism - as seen by the other casinos in our region, people coming up to gamble are NOT interested in other tourism activities. This is already quantifiable based on data that's been gathered by the other casinos. The point is that this will not benefit other businesses in the region - this will only benefit the casino.

In addition, we already have 4 casinos within 1 hour of Santa Rosa - and a 5th that's an hour 15 min. I know firsthand that these 5 casinos are struggling to make it financially. Adding one more casino will only dilute the pool of gamblers coming to the region and will only make it more difficult for the existing tribes that are already operating their casinos. It makes no sense to build another casino, given that these other casinos can barely maintain their staffing and their financial obligations. Having outside interests coming into Sonoma County only makes this an insult to those tribes who are struggling and have the excess capacity that's not being utilized.

I respectfully oppose this project and ask that you deny approval.

Best regards,

Jon Phillips
Ridgway Historic District - Santa Rosa, California
707.529.4990

From: mccrelliott@sonic.net <mccrelliott@sonic.net>

Sent: Thursday, September 28, 2023 3:55 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Proposed Casino

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Dear Chad -

I am writing to voice my strong opposition to the proposed casino complex in the Wikiup/Windsor area north of Santa Rosa. There are so many reasons this is a bad idea, not the least of which is that it would essentially destroy what is a vibrant neighborhood. I am stunned that the proposal has even progressed to this point.

Please reject this outrageous proposal.

Thanks,

Glenn McCrea

Beaver Street, Santa Rosa, CA

From: Lynne Alarie <lynne_alarie@yahoo.com>
Sent: Thursday, September 28, 2023 5:24 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino

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As a 60 year resident of Sonoma County I oppose the building of a Casino in Windsor. Between traffic generated on a rural road, water issues, fire issues and the fact that this tribe is not local, there will be more harm than good. Sonoma County does not need another casino!

Sincerely,
Lynne Alarie

Sent from my iPhone

From: Robin Weller <robinweller203@gmail.com>
Sent: Thursday, September 28, 2023 5:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi project in Windsor, Ca

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Please do not allow this project to go forward.

The negative impacts to our neighborhood and community are beyond measure.

The infrastructure is not built to accommodate the large increase in traffic that this would cause and the hazard this would bring with added traffic. Water demand when we are already warned regularly about conserving water.

The increased noise levels for such a large venue would be terrible for the whole area.

We love our little town and don't want this here!

I don't understand how this could get to this point, the other casinos in the area are not in neighborhoods, they are in the rural areas, as they should be.

--

Thank You,

Robin Weller
707-548-8085

From: BELVA MITCHELL <mmitchellbc@aol.com>
Sent: Thursday, September 28, 2023 6:38 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Belva Mitchell <mmitchellbc@aol.com>
Subject: [EXTERNAL] EA Comments,Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I am strongly opposed to the proposed Casino due to many factors.I live within 300 ft of the Shiloh road entrance/ exit as proposed.This surface street infrastructure at Old Redwood highway and at 101 experience heavy traffic volumes at peak travel times.This will only worsen in coming years due to more population resulting from projects under construction now. The Casino project is indicating some improvements to address infrastructure but I can't foresee this will address the highway 101 approaches and exit ramps.

All of the concerns do not begin to reflect an emergency evacuation situation. I see no indication that noise will be addressed once operations are underway and complete.Over the last several years commercial and private vehicles with loud exhaust systems create an extremely undesirable situation that continues into late at night. There does not seem to be any effort to patrol for this situation.

There is also a great concern that safety will be compromised due to the influx of people that will be present and those looking for an opportunity to traffic drugs and sex if this project becomes a reality

. Finally this is a residential community not a commercial or business location.

From: anne.terry123@comcast.net <anne.terry123@comcast.net>

Sent: Thursday, September 28, 2023 6:49 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] Koi

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Please add my name to those opposed to grant permission for the Koi to buy land and/or build a casino or hotel in Sonoma County.

From: David Lemos <davidlemos1991@hotmail.com>
Sent: Thursday, September 28, 2023 7:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard,

My Name is David Lemos. I have lived in Windsor my entire life and I am now currently raising my children here. I don't know what impact this email will make if any, however I feel so strongly about this I need to try and make a difference if possible. I as many other Windsor residents do NOT want a casino in or near our town for countless reasons. I have personally been abused by someone with a gambling addiction and have seen and felt the irreparable damage and pain that never goes away. I understand that it's just business and money needs to be made but there are plenty of other places for a casino in Sonoma county to be built. Windsor and its surrounding areas are a safe place for families and I do not want my kids growing up around the crime that casinos attract. There are plenty of other reasons such as more traffic and accidents that will come from this. Please choose another area for the casino as the majority of Windsor residents don't want this. Thank you for taking the time to read my opinion.

Best,
- David Lemos

From: Ron Blanc <ronb5555@sbcglobal.net>
Sent: Tuesday, October 3, 2023 3:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino/resort plan in Larkfield California

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

We have lived about one mile away from the Shiloh property purchased by the Koi Nation for 33 years now. We oppose any large- scale development of the rural land which borders our beloved Shiloh Regional Park and a great number of residential neighborhoods (both houses and apartments). We feel a large commercial business is not appropriate with the composition of the area. The addition of the enterprise would reduce the quality of life of local residents.

Another major point of concern is the fragile nature of fire evacuation routes for residents and visitors. We and our home survived the scary Tubbs Fire of 2017 which greatly affected this area. We relive the fear and preparation to evacuate on a yearly basis ever since. It is the new normal for much of California, as we are sure you are aware.

We hope this project will not be approved and thank the agency for taking our opinions into serious consideration.

Ron and Michelle Blanc

From: Tonie Bass <trecchia@gmail.com>

Sent: Friday, September 29, 2023 9:32 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] The Koi tribe should Not be allowed to establish a reservation so far from their indigenous lands

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear BIA,

AS A RESIDENT OF SONOMA COUNTY I OPPOSE THE KOI TRIBE IN THIS RESERVATION, GAMBLING PURSUIT IN MY COUNTY. I SUPPORT THE LOCAL TRIBES.

RESPECTFULLY FOLLOW THE PRESENT BUREAU OF INDIAN AFFAIRS NO FARTHER THAN 15 MI AND THEY'RE INDIGENOUS LANDS.

ALSO THE BURDEN OF THIS GAMBLING, RESERVATION ESTABLISHMENT IMPACTS THE CURRENT RESOURCES BEYOND THE CAPACITY. THIS IS NOT A NECESSARY ESTABLISHMENT IT CANNOT BE APPROVED.

THANK YOU,

TONIE BASS

From: Tracy Wallace <twallaceprop@yahoo.com>

Sent: Friday, September 29, 2023 9:53 AM

To: Broussard, Chad N <Chad.Broussard@bia.gov>

Subject: [EXTERNAL] OPPOSITION TO THE PROPOSED CASINO IN SONOMA COUNTY

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Good Morning Mr. Broussard,

We are writing to you, to vehemently oppose the Koi Tribe's proposed casino project between Wikiup and Windsor.

This project would have disastrous & endless negative effects on the direct area & so many surrounding areas. Besides taking untold daily amounts of groundwater from wells nearby that people, animals & crops depend on, what about the thousands of cars creating more traffic & pollution?

What about evacuation of those in the entire area in an emergency? There are very limited roads out and many people will die. Have you thought of that?

The Koi tribe has no ties to the area - why are they even allowed to propose this?

Just like Graton casino, this will bring crime in & outside the casino, more gambling addicts, drunks and criminals to the area. Sonoma County does NOT NEED ANOTHER CASINO.

There will be so many MORE drunk drivers on our roads.

This project is irresponsible, bad for the environment, and the people here.
PLEASE DO NOT LET THIS HAPPEN. DO NOT DESTROY OUR QUALITY OF LIFE FURTHER WITH THIS CASINO.

Thank you,
T & A Wallace
Sonoma County, CA

From: Peter Stickney <peter@shareprayer.com>
Sent: Friday, September 29, 2023 11:21 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] No Koi Casino

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Hi, I have just read a summation of the recent hearing about the proposed casino in Windsor and want you to closely consider the legitimacy of this project and its negative consequences on our community.

We own a home and live in the Larkfield community down Old Redwood Hwy. from this proposed project and the traffic and evacuation consequences will negatively affect our ongoing lives. Local tribes have two casinos in Sonoma County already, and a third is proposed for another part of Windsor. Let's keep the local tribes welfare, and community health, as the top priority.

Thank you,

Peter

Peter Stickney and Barbara Linthicum
434 Las Casitas Ct. A
Santa Rosa, CA 95403
707 478-6752

From: Lisa Bollman <elisabethbollman@sbcglobal.net>
Sent: Friday, September 29, 2023 3:25 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed Koi nation casino in Windsor, CA

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Dear Mr. Broussard,

Please do not approve this project. We had a terrible firestorm here in Windsor in 2017. 5000 homes were lost. 40 people died. People died trying to drive out of the way of the fire. It would be very dangerous to add a busy casino to this rural east Windsor location that has only one two-lane road passing through. This tribe appears to have no ancestral ties to this particular area, either, unlike the Pomo. Water shortage is also a problem.

Yours truly,
Lisa Bollman
9464 Wellington Cir.
Windsor, CA

From: Neise Turchin <ncturchin@gmail.com>
Sent: Friday, September 29, 2023 3:36 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Adding to the voice of Democracy

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I'll make it a short note because you know all the facts. I'm requesting that the casino project between Wikiup and Windsor does Not Get Approved.

The disruption in traffic, pollution of all kinds, and disturbance of the environment including the way of life of the people living in the area, plus all the other premises for building this weigh negatively toward approval of this project.

Please add my voice to the request to deny it.

Thank you very much.
Neise Turchin.

Neise's iPhone

From: Barbara Collin <barbaramaecollin@gmail.com>
Sent: Friday, September 29, 2023 4:43 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Please note my vehement objection to allowing a casino to be built in in the middle of my a residential area in Windsor, California. It is clear that the Environment Assessment is a weak and unsubstantiated document designed to check the box and move this project forward with no regard for the actual impact on community and public safety.

The Koi Nation has no historical roots to Sonoma County. The proposed site is 49 miles from their original reservation. Never has the Department of Interior taken restored lands into trust farther than 15 miles from their original rancheria. This would certainly open up a can of worms by setting a new precedent.

There are NO casinos in the whole state of California where a casino has been allowed to be built in the middle of a residential area not to mention being next to an elementary school and several churches.

The current vineyard that would be ripped out to accommodate this casino serves as a fire break from historical fire/wind tunnels that in 2017 destroyed 2500+ homes in nearby Larkfield and Santa Rosa. The roads leading to the proposed casino are two lanes and cannot possibly support the increase in traffic. During the 2019 fires when we had to evacuate, it took one to two hours to reach Highway 101. It was complete gridlock. Can you imagine having 20,000 more cars trying to escape a fiery death. It isn't a question of "if" but "WHEN" they next wildfire occurs.

Water is also a huge concern as wells have been drying up from historical droughts we've experiences over the last decade. Can we really support a 540,000-square-foot casino with 2,750 gaming machines, five restaurants, five bars, a coffee shop, a 2,800-seat event center and two ballrooms, plus an adjacent 400-room hotel and spa. Less than two years ago we were not allowed to water our yards and asked to reduce consumption by 25%. Where is the water supposed to come from?

As a resident who lives across the street from where this proposed casino would be built, my property values will be drastically and negatively affected. The noise, the traffic, the light pollution, the inevitable crime rate that would escalate would make life unbearable. PLEASE do not let this land go into trust and ruin our way of life in Windsor. Please.

Sincerely,
Barbara Collin

224 Lea Street
Windsor, CA 95492

From: Ferrera, John <John.Ferrera@asm.ca.gov>
Sent: Tuesday, September 26, 2023 1:07 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Letter regarding Koi Nation Proposal

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

The Assembly Speaker pro Tempore would appreciate her comments on the Koi Nation proposal for land in trust and a gaming facility in Sonoma County, California, being included in the record.

I am happy to answer any questions you may have.

Best,

John

John D. Ferrera
Chief of Staff
Assembly Speaker pro Tempore Cecilia Aguiar-Curry
1021 O Street, Suite 8320
Sacramento, California 95814
916-319-2004

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P.O. BOX 942849
SACRAMENTO, CA 94249-0004
(916) 319-2004

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(530) 757-1034

2721 NAPA VALLEY CORPORATE DRIVE
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EMERGENCY MANAGEMENT

September 25, 2023

The Honorable Deb Haaland
Secretary
U.S. Department of Interior
1849 C Street, NW
Washington DC 20240

Dear Secretary Haaland,

I am writing to express my grave concern about the Koi Nation's application to acquire 68 acres of land into trust for a casino in Sonoma County near my Fourth Assembly District of California. As the representative of numerous tribes in this part of Northern California, I've taken great pride to have worked with my constituents and statewide tribal nations to protect cultural resources and provide opportunities for economic development.

I need not tell you how complex these issues can be. However, when I seek wisdom on issues of tribal rights, my consultation begins with tribes that have the closest ancestral ties to the lands in question. While it is my great hope that the members of the Koi Nation find opportunities to overcome our state and nation's devastating history with regard to our treatment of indigenous people, it is also my responsibility to weigh their proposals in the context of their neighbors, both tribal nations and the communities that may be impacted by plans for development. In this instance, it does not appear that the site in the Koi proposal satisfies the federal legal requirement of having a "significant historical connection" to ancestral lands, nor evidence of cultural ties such as ancestral villages, burial sites, or subsistence use.

Several of my constituent tribes and those in neighboring areas that *are* indigenous to Sonoma County including the Federated Indians of Graton Rancheria, Dry Creek Rancheria Band of Pomo Indians, Cloverdale Rancheria, Kashia Band of Pomo Indians of the Stewarts Point Rancheria, and Lytton Rancheria oppose both the proposed project and the Koi Nation's ancestral claims to the land. I have also heard of grave concerns from the Sonoma County Board of Supervisors and neighbors of the proposed site that a location in a residential neighborhood is not only inappropriate but could represent a danger to local schools and residences.

It is with great respect, and regret, that I express concern about the Koi Nation proposal. While I hope that you will give your full, fair and serious consideration to their proposal, I must ask if you find the facts consistent with what I have learned, that you reject the Koi Nation's application to acquire this land in trust and the proposed casino.

Should you have any questions, please feel free to have your staff contact my Chief of Staff, John Ferrera at john.ferrera@asm.ca.gov or 916-319-2004.

Sincerely,

A handwritten signature in black ink, reading "Cecilia Aguiar-Curry". The signature is written in a cursive style with a large, stylized initial "C".

CECILIA AGUIAR-CURRY
Assembly Speaker pro Tempore
Assemblymember, Fourth District

From: Kenneth Pietrelli <ken.pietrelli@gmail.com>
Sent: Friday, September 29, 2023 5:40 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Mr. Broussard,

In reviewing the EA for the Koi Nation Shiloh Resort and Casino, I do not find an adequate mitigation plan to address the neighboring communities needs to egress down Shiloh Road to the Highway 101 interchange.

Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure, especially the feeder roads of Shiloh Road and Old Redwood Highway as well as the existing "undersized" Shiloh Road interchange at the overpass for Highway 101.

My family has been evacuated twice since 2017 due to fires in Sonoma County, in both cases we had to drive several backed up streets to reach Highway 101 to drive south to San Francisco. I own at Shiloh Estates at the end of Shiloh Road and I am very concerned about fire evacuation that would be made almost impossible if the casino is sited at the intersection of Shiloh Road and Old Redwood Highway.

I also had a recent experience in West Maui, Hawaii where we also have a home. Due to the fires in Lahaina, the sole remaining road was closed during the fire and for over a week after. To leave we had to take a helicopter from the West Maui airport to depart Maui. Even now as they try to reopen the schools in West Maui, high school and elementary, the parents are demanding that "evacuation plans be well thought out and prepared-and not only prepared and talked about, but actually completed. They want to see improvements to the roads done before they are willing to send their kids back to the schools."

This is what needs to be done before allowing the planning for the Casino to go forward. The existing infrastructure is "undersized" for the existing traffic patterns which experience backups, especially during the summer and fall months when we have fires in Sonoma County. Adding yet more traffic for the proposed destination would totally overwhelm the existing infrastructure. There has to be an actual plan and funding to improve the surface roads and highway interchange to support a valid evacuation plan for everyone East of Highway 101 who would use Shiloh Road to reach Highway 101. Failure to include this in the evaluation of the EA would border on being "criminally negligent".

Kenneth Pietrelli
4873 Hoen Avenue
Santa Rosa, CA 95405

From: Peter Walker <mmraminvest@yahoo.com>
Sent: Friday, September 29, 2023 8:41 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Protect Sonoma: Say No to the Koi Nation Casino Resort!

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

From Peter Walker to Chad Broussard on behalf of Sonoma County residents in opposition to the proposed Koi Nation Casino-Resort.

The proposal for the Koi Nation's casino-resort in Sonoma County, particularly near Windsor, is a glaring mistake that threatens the harmony, ecology, and very character of our beloved region. We vehemently oppose this establishment for a myriad of reasons:

- **Environmental Sacrilege:** Sonoma's delicate ecosystems stand at the precipice of irreversible damage. Our indigenous species, which have thrived here for centuries, are now under threat. It's bewildering that an environmental study even suggests minimal impact when the stakes are so high.
- **Traffic Chaos:** Our roads, already grappling with congestion, will be paralyzed with further traffic. Transforming tranquil intersections into bustling, light-controlled arteries is not the progress we need.
- **Water Overconsumption:** In a region already grappling with drought, the proposed casino's astronomical daily water consumption would deplete our precious resources. We cannot prioritize fleeting entertainment over basic human needs and agricultural sustenance.
- **Crime Surge:** The establishment of large casino resorts invariably attracts unsavory elements. Are we ready to jeopardize our community's safety and deal with the inevitable spike in crime rates?
- **Property Value Debacle:** Residents have invested their lives in this region, and now face the prospect of plummeting property values. The disruptions from noise, traffic, and possible crime are a direct threat to our investments and peace of mind.
- **Cultural Erasure:** Sonoma's rich cultural tapestry is under siege. It's not only about the fact that the Koi Nation is not indigenous to Sonoma, but it's also about protecting the heritage and traditions that make our county unique.
- **Wildfire Nightmares:** Given our recent, traumatic experiences with wildfires, adding a sprawling resort to the mix complicates evacuation and puts countless lives at risk. The memory of the Tubbs Fire is still fresh, and we cannot afford any more potential triggers for catastrophe.

- **Noise Pollution:** Our serene landscapes stand to be shattered by the incessant cacophony emanating from the resort. Our wildlife, not to mention our peace-loving residents, deserve better.
- **Economic Polarization:** While the allure of revenue is dangled before us, we need to be wary of the deeper economic disparities such establishments introduce. Local businesses, the backbone of our economy, might be overshadowed or driven to extinction.
- **Overwhelming Local Rejection:** The resounding voices of opposition from both our residents and esteemed political entities cannot be ignored. We are not an isolated few; we represent the majority of Sonoma County's heart and soul, and our concerns are valid.

In essence, the Koi Nation's casino-resort proposal is not just about a singular establishment; it's about the future trajectory of Sonoma County. We cannot allow our region to be remodeled into something unrecognizable, sacrificing its essence for transient gains. The stakes are high, and our opposition is resolute.

I hereby authorize the public duplication, distribution and reproduction of the above declaration.

Please contact me if you have any questions.

-Peter Walker

From: b.nies603@gmail.com <b.nies603@gmail.com>
Sent: Friday, September 29, 2023 8:53 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Re: EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Chad,

I am writing you as residents of Windsor in opposition of the proposed Koi Nation Shiloh Resort & Casino. To express our concern about the affect this resort & casino will have not only on the environment in Windsor and the surrounding areas but also on the communities and culture of the surrounding areas and how they will be adversely affected with the proposed addition of a casino & resort to such a small community.

As residents of Windsor we are acutely aware of the restrictions and limitations on our natural resources available in the area. We are already struggling with affordable housing, and are in the process of building that housing as we speak. If this resort is built, where would the water come from? When there is already so little to spare as it is, especially with so many new households being added into Windsor over the next few years. Our roads are not built to accommodate the monuments amount of traffic that would come with the inclusion of a resort and with the removal of an incredibly important natural fire break. We would add to the chaos should there be another wildfire with the additional cars, people and traffic that would come from adding that resort and removal of that vineyard.

I understand that Native Americans are entitled to reestablish lands throughout the US, however, Windsor is the the Koi's native land and for a resort of the scale they are proposing. Windsor's entire way of life will be changed. Our children will no longer be able to ride home from school on their bikes due to crime and traffic that will inevitably be a biproduct of the casino. And with small communities just across the street you are knowingly imposing negative affects on those households simply for your own profiteering. I implore you to consider other options far away from Windsor. If Sonoma is not at concentration levels then you should looks for places that are not in the middle of communities. I look forward to your response.

Brittany, Andy, Dorian (Age 15 Sophmore at Windsor High) & Evie (Age 12 6th grade at Windsor Middle)

229 Samantha Way, Windsor CA 95492

From: Victoria Petersen <vpetersen@e3planning.com>
Sent: Friday, September 29, 2023 8:58 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

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Dear Mr. Broussard,

I live in Santa Rosa, CA, 1/4 mile from the proposed Koi Nation Resort and Casino. This area is a mix of residential and agriculture. A resort and casino in the proposed location will negatively impact my neighborhood in several ways.

- Faught Road connects to Shiloh Rd and is a very rural 2 lane with no shoulder and 90 degree turns. We already have problems with drivers missing the turns and increased traffic will exacerbate this issue. This route is a "short cut" to southbound Old Redwood Highway from the proposed parking lot.

-Faught Rd also has an elementary school and increased traffic will be dangerous for students.

- Wildfires have hit this area several times over multiple years. Evacuation routes are quickly overwhelmed with just the current population.

- The light pollution will be directly visible 24/7 from Shiloh Regional Park, currently a haven for multiple native animal species.

Thank you for taking the time to receive local input on the proposed Resort and Casino development.

Best Regards,
Victoria Petersen

From: Leigh Meyer <leigh_meyer@hotmail.com>
Sent: Friday, September 29, 2023 9:15 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Leigh Meyer <leigh_meyer@hotmail.com>
Subject: [EXTERNAL] EA comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I live in Santa Rosa, CA, about ½ mile from the proposed Koi Nation Resort and Casino. As you know, this area is a mix of residential and agriculture.

A resort and casino in the proposed location will negatively impact my neighborhood in several ways:

1. Faught Road connects to Shiloh Rd and is a very rural 2 lane with no shoulder and several 90 degree turns. This road already has challenges as people that are not familiar with the road lose control on the sharp corners and miss the turns, ending up in ditches or the fields here. Increasing traffic will make this situation worse and add troubles to those of us living in the area. My concern is that this route is the most direct route to several stores on HWY 101 and will become the main route for people from Santa Rosa heading to the Casino.
2. Faught Rd also has an elementary school (San Miguel) and increasing traffic along this street will increase risk to the children and parents.
3. Wildfires have hit this area several times over the past few years and the evacuation routes are not sufficient for the current population, much less the crowds planned at the Casino.
4. Right now we have owls and many night creatures in the area using this area, including Shiloh Park - The light pollution will be directly visible 24/7 from Shiloh Regional Park and our house that will not be great for these creatures or for the people living here.

Please consider rejecting this request by the Koi nation and asking them to locate the Casino in a city / industrial area where the noise already exists, rather than a neighborhood where people live and is adjacent to a really nice park.

Thank you for taking the time to receive local input on the proposed Resort and Casino development
Leigh Meyer

From: Stephannie Starr <starrsall@icloud.com>
Sent: Saturday, September 30, 2023 2:32 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Casino

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Hello Chad, I am a resident of Sonoma County, and am writing to protest the addition of a casino, especially one with no ties to this county.

I was here in 2017 when the fires broke out here. It was hard enough to evacuate the people that live here. Now you want us to add another 16k to the list of those who need to be evacuated from here.

Our rural areas need to be protected more, not less. They should be for the use and enjoyment of those who have a tie to the area. We cannot sell these rights today the highest bidders. Locals come first.

Please do not allow the Koi tribe to usurp our rights to the free spaces of this county. The Koi's have a home in Lake county. Let them build there in their ancestral home.

Thank you,

Stephannie Starr
A Cherokee in Sonoma County

Sent from my iPhone

From: SARAH BLAKLEY <sblakley18@aol.com>
Sent: Sunday, October 1, 2023 10:58 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Proposed casino Shiloh Rd Windsor CA

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Hello Mr. Broussard,

I am writing today to encourage you NOT to allow the proposed casino in the town of Windsor on Shiloh Rd.

My husband and I moved here 2 years ago after he got a new job in Santa Rosa. I too work in Santa Rosa, but we chose to buy our house in Windsor because we liked the small, quiet, family friendly community here. We live less than a mile from the proposed site for the casino. This is an issue for many reasons.

This casino will cause immense changes in traffic. Just with the construction of the adjacent apartments, time has been added to my commute. I can't imagine how much longer it will be during the construction and even more so when the casino is actually open and there's 15+ THOUSAND additional people on that road per day. That's over half the amount of RESIDENTS in this city, just on that street alone.

My husband and I bought a fixer upper house that we were planning on putting a lot of money into to renovate and increase the property value. That will not be the case if this casino goes in. Our property value will decline even with our improvements because WHO WANTS TO LIVE 1 MILE FROM A CASINO??! No one does. This is a 4 bedroom home that was going to be a forever home for our future family. And now, we may be forced to move because of property values declining and most importantly SAFETY issues.

I recently found out I am pregnant with our first child. I am terrified of the idea of all the drunk drivers driving so close to my home where my child will be playing, or hitting us while we're driving. Additionally, a large part of Old Redwood Highway doesn't even have sidewalks and people are forced to walk in the bike line, mere feet from where these drunks will be driving, every single day and night. Also, how am I supposed to get my new family to safety in the case of a fire when the entire town plus THOUSANDS of other cars from non locals are trying to escape through the same one lane streets? Even if they were to expand the streets, it would still lead to the same one lane entrance to the 101.

The only people who will benefit from this are people who do NOT live here. Notice how the only people who were for this project during your call last week were contractors/ union workers, clearly reading from a script, and the people of the tribe who stand to financially benefit from this? Not one single resident wants this. Not ONE.

Please. I am begging you for the safety of the actual residents of Windsor, for myself, my

husband, and my unborn child, do NOT approve this project.

Thank you for your time,
Sarah Vandegriff

From: Vad, Aaron <Aaron.Vad@asm.ca.gov>
Sent: Monday, October 2, 2023 1:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Letter - Assemblymember Connolly

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Hi Chad,

Attached is a letter from Assemblymember Connolly expressing his respectful opposition to the Koi Nation of Northern California Proposed Casino Resort project.

Please let me know if you have any questions or comments on this letter.

Best,

Aaron Vad

One attachment • Scanned by Gmail

Assembly
California Legislature



DAMON CONNOLLY
ASSEMBLYMEMBER, TWELFTH DISTRICT

COMMITTEES
AGRICULTURE
BUDGET
ENVIRONMENTAL SAFETY AND TOXIC
MATERIALS
JUDICIARY
UTILITIES AND ENERGY
BUDGET SUBCOMMITTEE NO. 3 ON
CLIMATE CRISIS, RESOURCES,
ENERGY, AND TRANSPORTATION
JOINT COMMITTEE
VICE CHAIR, LEGISLATIVE COMMITTEE
ON CLIMATE CHANGE POLICIES

October 2, 2023

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: Koi Nation of Northern California Proposed Casino Resort


Dear Director Dutschke,

I write to express my respectful opposition to the Koi Nation of Northern California's proposed casino resort project in Sonoma County. As the representative of the 12th Assembly District, I have worked closely with local and statewide tribal nations to create opportunities for improved economic conditions and advocate for the protections of cultural resources.

While these issues can be complex, it is also important to weigh these proposals within the context of neighboring tribal nations and communities that will be impacted by this development. In this case, it does not appear that the site proposed by the Koi Nation satisfies the federal legal requirement of having a "*significant historical connection*" to ancestral lands, nor evidence of cultural ties such as ancestral villages, burial sites, or subsistence use. Several tribes neighboring the area, such as the Federated Indians of Graton Rancheria, which is within the 12th Assembly District, oppose both the proposed project and the Koi Nation's ancestral claims to the land. I also echo concerns shared by the Sonoma County Board of Supervisors regarding the proposed site's location within a residential neighborhood, as it is inappropriate and could represent a public safety risk to residents and local schools in an area already designated as having a high fire risk.

It is for these reasons that I must regretfully oppose the Koi Nation proposal, and ask with great respect that you consider rejecting the application to acquire this land in trust and establish the proposed casino. Should you have any questions, please feel free to contact my Chief of Staff, Aaron Vad at aaron.vad@asm.ca.gov or (916) 319-2012.

Sincerely,



DAMON CONNOLLY
Assemblymember, 12th District

From: Eric Pham <shagrila@yahoo.com>
Sent: Monday, October 2, 2023 2:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hello,

I have been a resident of Wikiup since 2010. My wife and I are both healthcare professionals for Kaiser Santa Rosa and we relocated up here because of the people and small town feel. Over the years, we realized that we wanted to grow our roots and raise our 3 children here because Santa Rosa is a great place to raise a family. If a casino was built in our backyard, I believe that would change. The surrounding area/neighborhoods of casinos always go downhill with increasing crime, drugs, prostitution, etc. The casino may be making lots of money but our community will suffer. We already have Graton and River Rock. Why do we need another casino? I vote no on having more degenerate gamblers coming into my community. I've worked very hard to try to provide my children the best living situation possible. I don't want them to have to be afraid when walking over to Shiloh regional park

Sincerely,

Eric Pham
Wikup resident

From: Amy Hoover <amychoover@gmail.com>
Sent: Tuesday, October 3, 2023 6:08 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino in Santa Rosa CA

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr Broussard,

I am writing to express my strong feelings about the potential Koi Casino project in North Santa Rosa, Town of Windsor borderline. I drive Redwood Highway at Shiloh very regularly. There is no appropriate way to integrate such a large ambitious project into this residential area.

Windsor is very concerned about issues related to evacuation for fires and any other crisis in our area.

Our county supports two casinos already. Neither of them border neighborhoods with schools and churches.

I am particularly concerned with the fact that the Sonoma County tribes are both unsupportive of this project. Of course the competition is an issue, but they are concerned that the Koi was not legitimately part of the Sonoma County landscape. I understand that they were here at some point, but this is not where they originated.

Please reconsider this ambitious project. Help the Koi thrive another way. Thank you.

Respectfully,
Amy C Hoover
225 La Quinta Drive
Windsor, CA
95492

From: Nathan Strong <nathan.strong@gmail.com>
Sent: Wednesday, October 4, 2023 11:03 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I would like to voice my objection to all variants of the Koi Nation Shiloh Resort and Casino proposed project. I live in the Oak Creek neighborhood just north of the area in question off of Merner Drive in Windsor California, in a well established development of single family homes that would be considered "middle class" - 3 to 4 bedroom, 2 to 3 bathroom. Our community of houses have no streetlights, because they were built under county guidelines in the 1980s and then later incorporated into the Windsor township. Our housing community backs up to Esposti Park, a well loved local park that serves thousands of children and adults per year - a park that would literally be across the street from the proposed casino.

I am concerned that the Impact Studies and Environmental assessments did not take into account the direct proximity of this proposed development to residential housing, churches, parks, and via Shiloh Road and Faught Road, a school. The church across the street ironically provides the only gambling addiction recovery program in Sonoma County. This would be a horrible place for a casino to be built for those involved in trying to recover from gambling addiction.

The documents predict no negative impact to property values for residential homes when a casino is built in the community, and I'm sure that is true when the casino is built in a business area of a city, far away from homes. However, building a casino literally across the street from parks and homes was not a data point that the study identified -- there are no data points referenced that would be a match for this setup, and I am concerned this will negatively impact resale value of these homes that are directly adjacent to the property or within several hundred feet of the project. Property values are mainly governed by location - I would never purchase a home this close to a casino, and nor would the other people who live in our neighborhood. This basic buying inclination is intuitive, and will inevitably drive property values down.

Page 22 - Appendix B - Socioeconomic Information - compares casinos in Vegas and Atlantic city to isolated urban areas surrounded by rural or major roads. Stating there are few sidewalks, buildings, etc that would lend themselves to street prostitution, making a claim that this won't a problem in our area.

The document also mentions the property owners will patrol and manage their property to prevent prostitution from becoming an issue, but there is no mention of securing or patrolling the adjacent neighborhoods like our family's with no street lights, providing a poorly lit meeting area within a 2 min walk from the proposed casino area both in our neighborhood and in the park across the street.

Again, there are no comparable data points for the consulting firm who wrote these impact studies to predict what would happen with prostitution in a poorly lit adjacent residential neighborhood. **The impact study just doesn't account for this specific scenario.**

As others have probably voiced, I have had to evacuate my family multiple times during fire emergencies, and sat in bumper to bumper traffic just to get out of the immediate area. The roads and infrastructure are not ready for the additional 16,000 visitors per day, and on site employees, if they have to be evacuated in a hurry.

There are already several casinos within a 20 minute drive of this area, this also doesn't make sense from a competitive standpoint. The Koi nation isn't native Sonoma County.

Best Regards,
Nathan Strong
nathan.strong@gmail.com
Oak Creek Subdivision
Moll Drive, Windsor CA

From: Bill Bolster <billbolster@eoc-inc.com>
Sent: Wednesday, October 4, 2023 9:47 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Region

My wife and I have lived at 6500 Faught Rd., Santa Rosa, CA since September, 1977 (46 years).

Here are our objections to the Koi Nation Shiloh Resort and Casino:

1. We live in the country and have 2 wells on our property. Until the drought, we had no problems. In the last 5 years one well id dry and the 2nd is marginal. We do not irrigate our landscaping anymore and keep our fountain dry. If the Koi Nation builds the development they will draw down the water table more. I will have to drill an expensive deep well. The very lease they should do is to get their water from the Town of Windsor or the County of Sonoma so that they live with the same restrictions other developments do.
2. This development will have a significant impact on traffic on all the surrounding roads. People avoiding the congestion will spill onto our narrow winding country road (Faught Rd.). It is not designed for that.
3. Fire danger. This development is in the path of the last 2 fires, Tubbs and Kinkade. The vineyard is supposed to be a fire break. The development will be fuel for the next big fire.
4. This location is not near the Koi Nation's home. That is 48 miles away in Lake County. No other tribe has built a development farther than 15 miles from their home. This is a terrible president to set.
5. Sam Salmon, former mayor of Windsor and now on the town council, suggested that the suitable land for this development was on the vacant land south of Home Depot on the south side of Shiloh Rd. Easy access, wide road and just off Hwy 101.

Do not let this development proceed. There are too many issues with the impact of it. Again a terrible president to set.

Thanks,

Bill Bolster
6500 Faight Rd, Santa Rosa, CA 95403
707-843-6453

From: mhanes10@gmail.com <mhanes10@gmail.com>
Sent: Thursday, October 5, 2023 2:27 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to voice my objection to yet another casino in Sonoma County. I understand that the Koi Nation does not currently own a casino, but the market appears to be saturated. The location requested in Windsor would likely be underutilized as both a conference center and hotel. Windsor is not exactly a boom town and any traffic generated by a project of this sort would greatly affect this small town and the towns to the north.

Thank you for allowing comments.

Mona Hanes
228 2nd Street
Healdsburg, CA 95448

Sent from [Mail](#) for Windows

S-I118

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 9/21/2023 2:57 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr
<noah@singersf.com>

Name

Angelito Andaluz

Email

angelito_andaluz@yahoo.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/29/2023 11:29 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Crysta Diamante

Email

diamantec71@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 9/29/2023 3:25 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Kevin Desai

Email

kdesai@sonomahi.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 9/19/2023 6:14 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Calvin Kandarian

Email

Ckandarian@yahoo.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 9/28/2023 10:46 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

Name

Erendira Garcia

Email

erengarcia@gmail.com

Comments

Department of the Interior
Attn: Bryan Newland, Assistant Secretary - Indian Affairs
1849 C Street, N.W.
Washington DC 20240

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We would appreciate your expedited approval of this application.

From: C Plaxco <cplaxco143@gmail.com>
Sent: Friday, October 6, 2023 11:03 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD

Christine & Richard Plaxco
143 E. Shiloh Rd.

From: Bonnie Farrow <bonnie-business@sonic.net>
Sent: Friday, October 6, 2023 1:14 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Indians

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi Chad,

I was on the call on Sept. 27th which was my birthday. I stayed on the call for 3 1/2 hours.

All the people who spoke up against having a Casino in our residential neighborhood made a lot of good points.

The comment that I liked the best was the woman who was using her rinse water in her laundry to water her fruit trees.

She also said that she also wondered where the water would come from for a 400 room hotel with people taking long hot showers.

I live on Mathilde Dr. which is 4 houses away from your Casino.

I do not approve of any of your plans. The property should stay a vineyard as it was zoned to be.

The tribe needs to look for commercial property in Clear Lake.

Thank you,

Bonnie Farrow

From: marcia singer <marcia.lovearts@gmail.com>
Sent: Friday, October 6, 2023 2:16 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hello Mr, Broussard,

I lift my 78 year old voice on behalf of hundreds of residents, many of whom are seniors with no means to move elsewhere, who live along the western periphery of the proposed project. Additionally, there are hundreds of wealthy residents living both along the northern periphery and east, near Shiloh Regional Park: NO ONE WANTS THIS TO HAPPEN! Signs have been out in protest for months.

It's unthinkable, the chaos and impediments a casino, hotel, event center or even wine tasting operation would bring, if the vineyard is replaced. And if we need to evacuate again, due to wildfire: terrifying to contemplate what adding hundreds more persons and vehicles, all trying to escape would create!! .

I read two of the environmental reports offered to the public: one regarding traffic, the other noise.. It's an unimaginable nightmare, altering our quality and way of life, totally -- both in the constructing, and if completed, an influx of vehicles and people to an area not designed for it.

I wrote to the man in charge from the Koi Nation: we certainly wish the tribe well, and prospering: but please, not at the expense of our sanity and property values, such as they are.

Thanks for your eyes and ears,
Marcia Witrogen, Santa Rosa CA

From: marcia singer <marcia.lovearts@gmail.com>

Sent: Friday, October 6, 2023 2:24 PM

To: Broussard, Chad N <Chad.Broussard@bia.gov>; Dutschke, Amy <Amy.Dutschke@bia.gov>

Subject: [EXTERNAL] Koi Nation Casino Project

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

I just received a comprehensive letter, to forward to your attention. You may have already gotten it, but it's so thorough, and can't be over-stated. Thank you again.

Aesthetics – Visitors come to Sonoma County for the aesthetics of the area which is generally bucolic, rolling hills, forest. Residents buy homes and live in neighborhoods that incorporate this same aesthetics. This project destroys the beauty of the region and replaces it with buildings, parking lots and structures, artificial light, traffic and congestion and crime, in a residential area. There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals who are from another region of California. Please study alternative sites for this business.

Local air pollution and public health - In addition to greenhouse gas pollution, please study the possibility of local air pollution and public health impacts from increased vehicle traffic on neighborhood roads and highways, as well as the impacts from idling vehicles (including construction, delivery, and passenger vehicles). The review should consider all phases of the proposed project, including the foreseeable increase in air pollution from commercial trucks and off-road construction equipment during the project's construction, from delivery trucks and other commercial vehicles during the project's daily operations, and from buses, shuttles, and other passenger vehicles.

The EPA has found that people who live, work or attend school near major roads appear to have an increased incidence and severity of health problems associated with air pollution exposures related to roadway traffic. It is likely that a project of this size will have a measurable impact on air pollution in nearby neighborhoods. Please assess the possibility that there will be a public health impact due to an increase in particulate matter, air toxics, and NOx, as well as any other foreseeable air pollutant.

Loss of Aesthetic Quality of Neighborhood Populations Adjacent to location - study how many residents will be impacted by traffic/ noise/ light pollution/ loss of scenic corridor/ inflow of tens of thousands of visitors daily into area with increase in crime and accidents/ increase in drunk and intoxicated driving accidents on local residents. Please study how many families live in these neighborhoods, how many students attend the local elementary and middle and high schools served by the residents in this area – in Windsor and NE Santa Rosa, Mark West, Fulton, Wikiup/Larkfield. This loss of aesthetic quality will result in decline in property values for the many homes and housing units impacted by the direct visibility of the large buildings, the flux of vehicles to/from the casino resort and the noise caused by the increase in vehicle traffic as well as entertainment, both inside and outside during evening hours and weekend hours when the residents in the adjacent neighborhoods desire peace and quiet after working all day or for those who work night-time shift, peace and quiet during the day.

Decline in Property Values - Please study the expected decline in property values during construction (for how many years?) and after completion as a consequence of the impact of noise, traffic, loss of aesthetic quality of life. RE: Aesthetic/ social/ public safety – wildfire evacuation, intoxicated driving/ crime, residential property value impacts, noise, residential life activities, proximity to major public parks, transit routes to the casino.

Location of Other Northern California Casinos - Please study the location of the other 47 casinos in Northern California and identify casino resorts that are 1) built in locations surrounded by long-established communities of residential neighborhoods, in areas specifically zoned for residential/ agricultural use only and not commercial use, where development is regulated for the benefit of all the residents of the County. 2) built in commercial-zoned areas consistent with the operations of a casino resort and entertainment center and hotel. 3) built in rural areas isolated from established residential communities. 4) built 15 miles from the closest casino, with 3 casinos in 30 mile distance along a major highway (15 minute driving between casinos). 5) built with single purpose/ direction transit route to the casino resort that separates casino resort traffic from local business and residential traffic. Please study the cumulative impact of these concerns now, during construction, and for the following 50 years. This is relevant because the size and dominance of a gambling casino resort at this location will dominate the landscape and residential life activities, overwhelm the resources of the public

...

Peter Walker
12620 DuPont Rd.
Sebastopol, CA 95472
1-415-386-7111
pwalker49@gmail.com

Amy Dutschke
Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

September 30, 2023

Subject: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Amy Dutschke, Regional Director,

The proposal for the Koi Nation's casino-resort in Sonoma County, particularly near Windsor, is a glaring mistake that threatens the harmony, ecology, and very character of our beloved region. We vehemently oppose this establishment for a myriad of reasons:

- **Environmental Sacrilege:** Sonoma's delicate ecosystems stand at the precipice of irreversible damage. Our indigenous species, which have thrived here for centuries, are now under threat. It's bewildering that an environmental study even suggests minimal impact when the stakes are so high.
- **Traffic Chaos:** Our roads, already grappling with congestion, will be paralyzed with further traffic. Transforming tranquil intersections into bustling, light-controlled arteries is not the progress we need.
- **Water Overconsumption:** In a region already grappling with drought, the proposed casino's astronomical daily water consumption would deplete our precious resources. We cannot prioritize fleeting entertainment over basic human needs and agricultural sustenance.
- **Crime Surge:** The establishment of large casino resorts invariably attracts unsavory elements. Are we ready to jeopardize our community's safety and deal with the inevitable spike in crime rates?
- **Property Value Debacle:** Residents have invested their lives in this region, and now face the prospect of plummeting property values. The disruptions from noise, traffic, and possible crime are a direct threat to our investments and peace of mind.
- **Cultural Erasure:** Sonoma's rich cultural tapestry is under siege. It's not only about the fact that the Koi Nation is not indigenous to Sonoma, but it's also about protecting the heritage and traditions that make our county unique.
- **Wildfire Nightmares:** Given our recent, traumatic experiences with wildfires, adding a sprawling resort to the mix complicates evacuation and puts countless lives at risk. The memory of the Tubbs Fire is still fresh, and we cannot afford any more potential triggers for catastrophe.

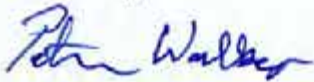
- **Noise Pollution:** Our serene landscapes stand to be shattered by the incessant cacophony emanating from the resort. Our wildlife, not to mention our peace-loving residents, deserve better.
- **Economic Polarization:** While the allure of revenue is dangled before us, we need to be wary of the deeper economic disparities such establishments introduce. Local businesses, the backbone of our economy, might be overshadowed or driven to extinction.
- **Overwhelming Local Rejection:** The resounding voices of opposition from both our residents and esteemed political entities cannot be ignored. We are not an isolated few; we represent the majority of Sonoma County's heart and soul, and our concerns are valid.

In essence, the Koi Nation's casino-resort proposal is not just about a singular establishment; it's about the future trajectory of Sonoma County. We cannot allow our region to be remodeled into something unrecognizable, sacrificing its essence for transient gains. The stakes are high, and our opposition is resolute.

I hereby authorize the public duplication, distribution, and reproduction of the above declaration.

Feel free to contact me if you have questions.

Sincerely,



Peter Walker

September 28, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
RE: EA Comments, Koi Nation Shiloh Resort and Casino

2023 OCT -2 AM 11:29

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 18 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours last evening listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes. The EA is faulty in the assumption that we will have adequate warning to evacuate the casino property prior to the Town of Windsor. Wildfires are completely unpredictable.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads and the Shiloh Road overcrossing is one of only 2 primary connectors to both sides of Windsor. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that at times one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not the right location for this project. I wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,


Cynthia Conway
6244 Lockwood Drive
Windsor, CA 95492

9/25/23

WINDSOR REGIONAL OFFICE
10/2/2023 11:30 AM

Regarding: EA Comments, Koi Nation Shiloh Resort and Casino

2023 OCT -2 AM 11:30

Dear Amy Dutschke,

I am very fortunate to be a Windsor resident for over 30 years. I own 2 properties here, a home that my son, his wife and my two granddaughters live in and my condo in the Windsor Town Green. I am greatly concerned about the possibility of a casino coming to Windsor and would like to share those concerns.

Research has shown casinos lead to a plethora of social ills, including increased substance abuse, mental illness and suicide, violent crime, auto theft, larceny and bankruptcy. The latter three all increased by 10 percent in communities that allowed gambling. Casinos aren't even a particularly good source of tax revenue. Studies have found that Indian casinos cannibalize business at nearby restaurants and bars, and in so doing actually reduce state tax revenue.

As an RN who has worked at Providence Santa Rosa Memorial Hospital for over 27 years and have seen the repercussions of violent crime, mental illness and substance abuse please keep Windsor free from a casino.

Thank you,
Jeanne Harris Powell



Jeanne Harris Powell
208 Johnson Street
Windsor, CA 95492
jeannepowell@yahoo.com
707-548-4444

Oct. 28, 2023

Amy Dutschke Regional Director
 Bureau of Indian Affairs Pacific Regional Office,

I have been living in Sonoma Co. for over forty years. I have been a community activist for this entire time. I formed a women's networking group that includes almost all the women elected in the county. At last count there were 375 members. For over 5 years I was president of the Brady Campaign here in Sonoma.

For almost twenty years I have been president of the Advisory Board for the two high schools in Roseland. We have raised about \$280,000 for the last two years for scholarships. Ninety-six % of the seniors continue their education, and we have been able to provide funds for all of them to at least start.

I have been a supporter of Yaton Rancheria tribe since before they put their land in trust. I was on their board and also formed an advisory board to

support their effort to build a casino. At this point the tribe is totally respect due to their extreme generosity. The majority of the people in Sonoma Co. do not support the Koi Nation's plan to build a casino outside of Windsor for the following reasons:

1. The Koi Nation's land is in Lake County
2. All five Federally recognized tribes who are aboriginally from Sonoma Co. They all oppose the tribe's coming into their land.
3. The Graton Tribe would lose the right to oversee the protective sacred sites which are clearly in Southern Pomo territory.
4. Wildfire evacuation concerns increase the chances of both lives and property being destroyed.

I appreciate the opportunity to address this issue.

Sincerely yours,
Susan Moore

email: susanmalimoore@gmail.com

EA Comments, Koi Nation Shiloh Resort and Casino

2023 OCT -2 PM 1:54

Brad and Joan Chance
141 East Shiloh Road
Santa Rosa, CA 95403

September 27, 2023

Dear Mr. Broussard,

For over 30 years, we have lived in this neighborhood, our children were raised here, attended the local schools here, discovered wildlife in Shiloh Regional Park, played baseball at Esposti Regional Park and had adventures exploring up and down the Pruitt Creek bed in the summer when it's not running. Unfortunately, if there is a casino, our grandchildren will not be able to enjoy those pleasures because of the noise, crowds and traffic. It will no longer be safe in our serene neighborhood.

We have two major concerns, fire and water. It would be hard for anyone to understand an evacuation unless you have been through one yourself. No matter how well prepared you are for an evacuation, gathering last minute belongings, rounding up pets & livestock and heading out the driveway is just the beginning. It took 1 1/2 hours to drive one mile to Highway 101 in 2019 fire when we received the evacuation request. The flames and smoke were visible at the top of Shiloh Ridge. Pruitt Creek became a wind tunnel while the fire raged our way chased by the wind. A planned, organized evacuation for a compound of what the casino proposes to build cannot be executed when the flames are on your heels. People are not always rational especially when they have been partying and drinking at all hours. The roads would be completely grid locked with little or no chance to escape.

Most of us in the immediate area are on wells and are conservative with our water. The casino will be using more water in one day than the locals will use in one year. When the water levels drop, the quality of our water drops as well. This is a problem with no solution. Our water is a precious commodity that we depend on. Also, the sewer reclamation site on the property will have an aroma and extra noise from the pumps no matter how much this is denied in the impact report. The excess runoff and treated water will be released into Pruitt Creek according to the impact report. Pruitt Creek ties into Mark West Creek. In the past, Mark West Creek has backed up and flooded neighborhoods. We were a victim of the flood and had to raise our house 2 feet to prevent flooding in the future. The other neighbors are still at risk for flooding.

There is mention of widening Shiloh Road. We didn't notice where the expansion was noted on the casino property maps. How the road would be widened was not acknowledged. At least four immediate neighbors front doors are approximately 35 feet from the road currently. Does

that mean that our property would be taken by eminent domain? This would uproot many people in the neighborhood that have lived in their homes here for many years.

It is completely perplexing why a casino would be planned in a residential neighborhood. We have not met any parents who would support a casino to be built near the 3 elementary schools close by. Our quiet community would be inundated by traffic, drunk driving, crime, public safety concerns, and continual noise & lights. **THIS IS NOT THE RIGHT PLACE TO BUILD A CASINO.**

The Town of Windsor supported the resolution to oppose the casino. The city of Santa Rosa supported the resolution to oppose the casino. The greater population of the neighbors oppose the casino. Representatives in Washington have spoken against the casino. Please consider this plea to build the casino in a commercial or industrial area that is appropriate, not here.

Sincerely, Brad & Joan Chance
141 East Shiloh Road

Does a Casino Belong Here?

We moved to Sonoma County after 45 years in Hawaii. We purchased seven acres and built our home here in 2012. After several years of evaluating locations, we chose this area for its beauty, safety and feeling of community.

We are very concerned and disturbed by the proposed Koi Casino Site which is located at the bottom of our hill in a residential area. Please take a moment to scan the attached photos and map highlighting the inappropriateness of this proposed location.

We are particularly concerned about:

--Potential harm and safety to families; potential loss of life

--Fires—we have been severely impacted with fires in 2017, 2018, 2019, and 2020; we have had to evacuate multiple times—each time has been a dangerous and frightening experience due to the difficulty in egress and ingress in this area

--Lack of water—many wells in our area have gone dry; with drought expected to worsen, water is a huge concern

--Crime—facts show that theft, vandalism, drugs and prostitution significantly increase in and around casinos—they are never located in a residential area

--Environmental impact—to include the abundant wildlife; the removal of vineyards which have served as our firebreak, water and sewer

Our ask is that you review the attached documents and consider if this residential community is appropriate for a casino location. As we believe you will agree, this is not an appropriate site for a casino. As such, we request that this property not be converted from fee to trust.

We appreciate your time and attention in this matter.



Judith and John Coppedge

Does a Casino Belong Here?



ESPOSTI PARK-E. Shiloh Rd.

- 10 acres
- baseball, soccer fields
- little league playing fields
- family picnic areas



OAK PARK NEIGHBORHOOD-E. Shiloh Rd.

- single family homes
- approx. 75 homes
- \$740-\$1.35M price range

MAYACAMA COUNTRY CLUB and SHILOH ESTATES-E. Shiloh and Faught Rds.

- private Country Club
- Jack Nicklaus golf course
- 95+ single family, multi-million dollar homes



SHILOH RANCH REGIONAL PARK-Faught Rd.

- 850 acres
- hiking trails, creeks & ponds
- horseback riding trails
- family picnic areas



FIRE DANGER—LOCATION SHILOH RD AT FAUGHT RD

DOES A CASINO BELONG HERE?



TUBBS FIRE-2017

- deaths—22; size—36,800 acres
- buildings destroyed—5,640
- size—36,800 acres
- mandatory evacuations; loss of power, water and gas

KINCADE FIRE-2018-19

- size—77,800 acres
- buildings destroyed—374; 90,000 structures threatened
- mandatory evacuations; loss of power, water and gas

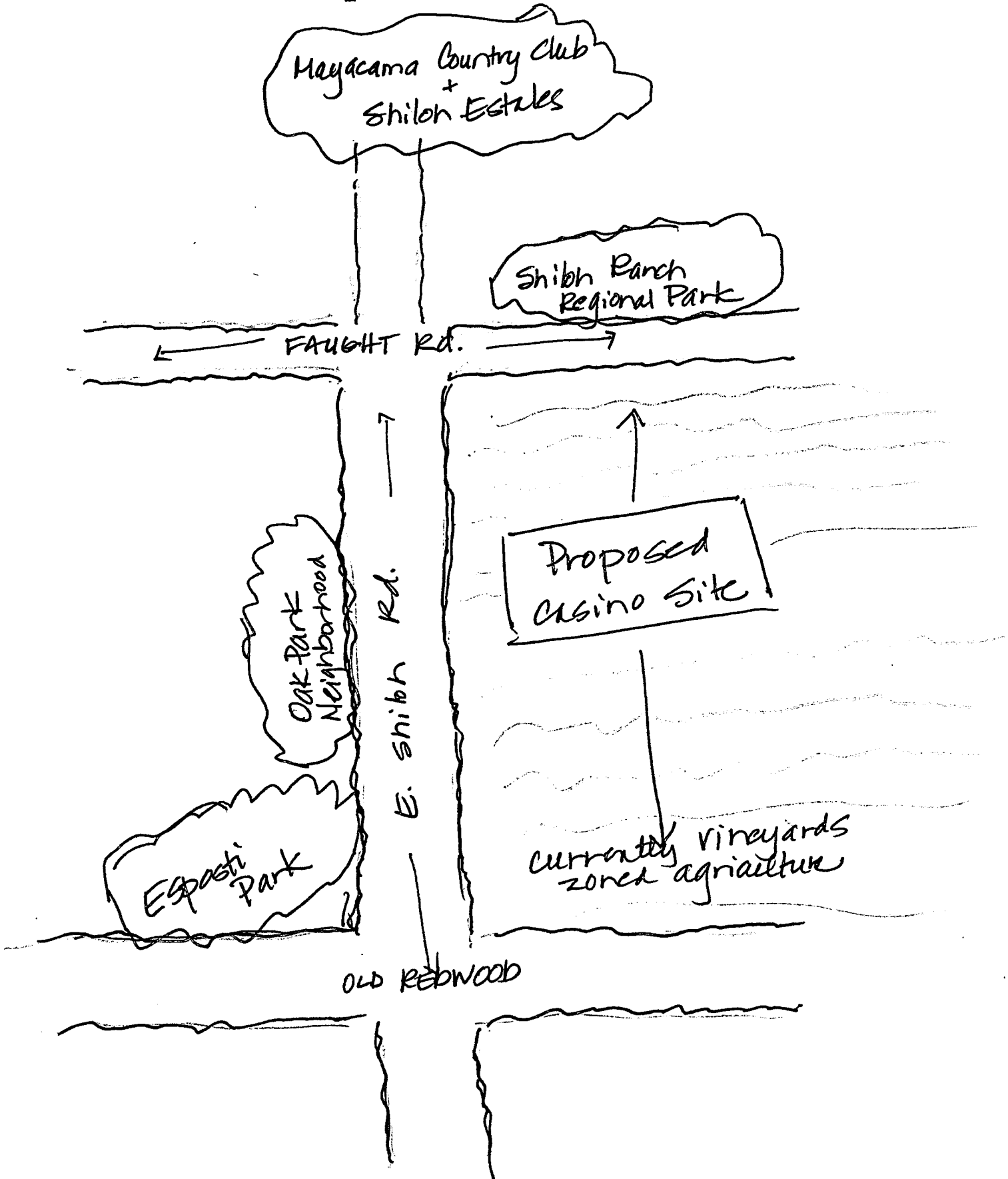
WALBRIDGE FIRE-2020

- deaths—6; -size—363,200 acres
- buildings destroyed—1,490
- mandatory evacuations; loss of power, water and gas

GLASS FIRE—2020

- size—67,500 acres
- buildings destroyed—1,555
- mandatory evacuations; loss of power, water and gas

Proposed Casino Site



October 2, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 60 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours, on September 27, listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, & event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that often one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired people live, children go to school and play in the park, wildlife abounds, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not right for this project. I wholeheartedly request that you implement **Alternative D, no action.**

Sincerely,



Mary Catelani
6240 Lockwood Drive
Windsor, CA 95492

October 2, 2023

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

I have lived in the Town of Windsor for 38 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. I spent almost 4 hours, on September 27, listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. I must add my voice in extreme opposition to this project. I echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. I have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, & event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under construction or consideration to the west along Shiloh Road. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that often one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.

Additionally, the EA failed to acknowledge the traffic impact to Faught Road which begins at Old Redwood Highway south of Airport Blvd and ends at Pleasant Avenue just a mile north of the proposed Casino. Faught Road borders the east side of the proposed resort property and can access East Shiloh at the north east corner of the proposed project. Faught Road goes through a residential area at the southern end and directly past San Miguel Elementary School with more than 400 students. Once past the school area Faught Road becomes an undivided paved road handling two-way traffic following the base of the Mayacamas mountain range. It is natural to assume that much traffic would use this route to avoid the congestion on Old Redwood Highway when both coming and going from the proposed casino.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired people live, children go to school and play in the park, wildlife abounds, and we all enjoy the incredible natural beauty of this area.

I support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is absolutely not right for this project. I wholeheartedly request that you implement **Alternative D, no action.**

Sincerely,

A handwritten signature in black ink, appearing to read 'Dennis Catelani', with a long horizontal flourish extending to the right.

Dennis Catelani
6240 Lockwood Drive
Windsor, CA 95492

MAKLY PULCHERON
8793 MARIANNA DR.
FORESTVILLE, CA 95436

S-1134

10/03/23

EA COMMENTS, KOI NATION SHILOH RESORT AND CASINO.

GREETINGS MS. AMY,

I AM WRITING TO YOU WITH A DESPERATE PLEA TO PLEASE HELP STOP THE PROPOSED MASSIVE CASINO DEVELOPMENT BY THE KOI NATION IN WINDSOR, CA.

THERE ARE A MYRIAD OF REASONS TO PUT A STOP TO THIS BUT MY TWO MAJOR CONCERNS ARE WATER RESOURCES AND TRAFFIC:

WATER IS SO VERY SCARCE IN CALIFORNIA AND ADDING THIS MASSIVE DEVELOPMENT WOULD ABSOLUTELY DEVASTATE THE LOW NUMBERS ASSOCIATED WITH AMOUNT OF POTABLE & NON POTABLE WATER AVAILABLE. NOT TO MENTION AMOUNT OF WASTEWATER THAT WOULD BE GENERATED.

AS FAR AS THE TRAFFIC GOES I JUST CAN'T IMAGINE A PLAN THAT WOULD EVER WORK WITH THE PROPOSED NUMBER OF GUESTS AND THE AREA THAT THEY WOULD HAVE TO "DEVELOP" IN ORDER TO DEAL W/ THE AMOUNT OF TRAFFIC. THROW THE INEVITABLE FIRE INTO THE MIX AND I WILL GUARANTEE THE OUTCOME OF PEOPLE TRYING TO ESCAPE WOULD BE HORRIFIC. UNFORTUNATELY IN SO. CO. FIRE IS NOT IF, BUT WHEN.

PLEASE, PLEASE, PLEASE HELP THE LAND & PEOPLE OF SO. CO. AND DO NOT LET THIS HAPPEN.

THANK YOU -

~~~~~

**From:** robert rowland <[rowlando@prodigy.net](mailto:rowlando@prodigy.net)>  
**Sent:** Thursday, September 28, 2023 4:21 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,

I respectfully urge you to reject and or reduce the plans for a casino or any gambling entity proposed for the property on Shiloh road in Windsor.

This property was never a "homeland " for the Koi "tribe " according to four other tribes in Sonoma County. The Koi homeland is in Lake County as

I understand the historical perspective. So I'm confused as to how this commercial project has reached this point. This project has been opposed by four fellow Indian Tribes and possibly more if research was conducted.

My family and I have lived within a mile of the proposed property for 34 years. The impact of such development will not only affect our safety in the event of fire evacuation but will affect our quality of life. Issues such as water and sewer resources , our rural dark skys threatened by unnatural lighting from such a huge project, not to mention the riparian issues of the creek running through the property.

I have a degree in anthropology from the University of Denver and have been employed in the past doing field work for the university of Denver and the U.S. Park Service in archaeology work. I only bring this up in reference to my appreciation of Native Americans. This is not the right place or the right time for this project. Please help protect the rural area .

Sincerely, Robert Rowland and Family

**From:** DennyB <[db6478@att.net](mailto:db6478@att.net)>  
**Sent:** Thursday, September 28, 2023 11:42 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Dear sir;

I listened to all 3 1/2 hours of calls to the Public Hearing for the Environmental Assessment for the Koi Nation. It became abundantly clear, the only people that called in and were for the project stood to gain financially. They were not the ones who would have to live with the consequences of having that horrible thing in a residential neighborhood.

Everyone is against it, all the neighbors, the Windsor City Counsel, the Sonoma County Board of Supervisors, Congressman Jared Huffman, and Senator Dianne Feinstein.

I can't see how you could possibly consider letting the Koi Nation develop here. In fact I think they should be forced to sell the property and keep it in agriculture.

Dennis Blasi  
Oak Creek Subdivision  
[jdn3223@att.net](mailto:jdn3223@att.net)



---

**From:** Stefan and Kathy Parnay <[skparnay@sonic.net](mailto:skparnay@sonic.net)>  
**Sent:** Wednesday, September 27, 2023 9:05 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Tribe Casino on Shiloh Road - Community Comment

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Chad Broussard,

We would like to include an additional concern to our previous email regarding the Koi Tribe's Shiloh Road casino/hotel/events center project.

Having just learned about the extent of the partnership between the Koi Nation and the Chickasaw Nation, we are extremely concerned about the nature of this partnership and the ramifications it will have on our community.

Per the [Koi Nation website](#), the Koi Tribe publicly announced on January 2022 that they had partnered with the Chickasaw Nation to **develop, manage and operate** the Shiloh property. As you are aware, the Chickasaw Nation is a tribe of "more than 73,000 citizens" from Oklahoma with **no ancestral ties to Sonoma County**. What stands out is the vast incongruity between the scale of the proposed casino/hotel/events center project and the resources of the Koi Nation, a small tribe of 90 members, **who also do not have ancestral ties to Sonoma County**, and that the **Koi Nation WILL NOT actually be the ones running the casino/hotel/events center**.

**What percentage of this project and the stewardship of the land will ACTUALLY fall under the purview of the Koi Tribe? Who is actually benefiting from the Koi Nations' sovereignty (if it is approved)?**

It is clear to us that this is **NOT** a project about the repairing of wrong doings or safeguarding the accessorial rights and cultural heritage of the Koi Tribe, but an opportunist venture focused on Native American politics, power dynamics and profit at the expense of harming a small urban community of established families, like ours.

We urge the BIA to please take this under consideration when making your final decision. Not only is a project of this magnitude grossly incompatible with the character and environment of our neighborhood, but this partnership raises valid concerns about the intentions of both the Koi and Chickasaw Nations and their ability to meet the needs and protections of our peaceful and safe community.

Thank you taking the time to hear our additional concern and adding it to our original statement.

Respectfully,

Kathy and Stefan Parnay  
Oak Creek Subdivision  
190 Barrio Way  
Windsor, CA 95492

**From:** Carrie Marvin <[caretoride@yahoo.com](mailto:caretoride@yahoo.com)>  
**Sent:** Friday, September 29, 2023 2:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments KOI NATION SHILOAH RESORT/CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

To: Bureau of Indian Affairs  
9/29/2023

On 9/27/23 there was a meeting held to discuss the Environmental Assessment report via zoom call. Although I have already written a letter, and I spoke on the zoom call, I wanted to write about a few things that were touched on/discussed but I hadn't addressed.

I was extremely pleased to know that the true Sonoma County tribes are NOT wanting the Koi tribe, who is a Lake county tribe, from 50 miles away, to open a casino here in Windsor. This would be a terrible precedent to set – to allow a non-native tribe to open up a casino in a community that is not theirs and that directly is in another tribes location. The Lytton Rancheria band of Pomo Natives has 124 acre site with 147 homes here in Windsor. This tribe has worked hard to communicate and work with our town. The Lytton tribe and the Sonoma County supervisors reached a deal where they are never going to build a casino in our town or anywhere else in the county. [www.pressdemocrat.com/article/news/sonoma-county-supervisors-amend-lytton-rancheria-deal-to-include-permanent](http://www.pressdemocrat.com/article/news/sonoma-county-supervisors-amend-lytton-rancheria-deal-to-include-permanent) so to have another tribe come in, where they are not even native to, and then want to build an enormous hotel, casino and parking for over 5,000 cars is untenable.

The EA was to me, a ridiculous and useless document. To say that there is no impact on SO many things that, without even any analysis – but just living here, you would know would have major impact, is absurd in the very least. There should be someone who can do this assessment who isn't being paid by the KOI who could give an honest assessment. Residents should be allowed more time to review this document but we should also be allowed our own environmental assessment if this one is so incomplete. To hear from so many people on the Zoom call who fled in the fires that it took them hours (I left quickly earlier than most) and to know that there would be thousands of additional cars evacuating is unimaginable. No one at the BIA has experienced a fire the way we have. It is unimaginable and terrifying. Many of us have lost homes. I personally was out of my home for several months due to smoke damage. No \$20/hr hired person is going to stand in a parking lot to help evacuate cars at the casino when smoke / ash / fear is looming overhead. When the ex-mayor of our town spoke on the zoom call and talked about how our town almost was completely wiped out, I had heard that exact story from my neighbor across the street. She was a policewoman here in town and she was with the firefighters the whole time. She had called me to tell me our neighborhood was likely going to be gone. We were only saved because of the wind

change but she said there were firefighters in every single driveway ['They did it perfectly': Inside the fight to save Windsor from the Kincade fire](#) My neighbor, the police officer, her partner and many others have moved from Windsor due to the fires. It is an actual reason why people move from our county. To put a casino in a neighborhood, in an area known for fires, is irresponsible at the very least and I would imagine there would be one hell of a lawsuit against the BIA if lives were lost in the future. Because you were warned for 4 hours straight on that Zoom call by people who live here and experienced what we did.



The infrastructure around here is rural. There are small roads all around the property and the amount of change that would need to occur is substantial. The EA report on this is not up to par.

Not one person on the Zoom call was in favor of this land grab/casino who wasn't directly involved financially. Every call that was clearly read from something from the Carpenters Union was just about their being able to have a job. That is not why the casino is being built. How many of the 90 KOI will be working at the facility?

This is disruptive to the neighborhood directly abutting the property. When the KOI mentioned that they would offer people double paned windows I laughed out loud. As though double paned windows will stop the noise that will come from building this monstrosity. They will never be able to open their windows (I bet many of the homes don't even have air conditioning) due to the dust and the noise. Will they be purchasing people AC units with HEPA filters? This is absolutely disruptive. And not truly addressed on the EA.

As I mentioned in my previous letter, I have a deep concern about the water situation. We have had a drought for many years and when it does rain, there is flooding, particularly on that property. Concerns about the creek need to be addressed.

Please listen to the local tribes. Please listen to people living in the neighborhood, from the schools to the pastor of the church, to the families this will affect. We do not want this casino/hotel/parking lot in this neighborhood. Please come yourself to see it. This is wrong on so many levels and we can only hope and pray you make the correct decision, to not allow this to occur in the town of Windsor.

Carrie Marvin  
237 La Quinta Drive  
Windsor CA 95492  
707-338-4377

**From:** Tisha Zolnowsky <[Tisha.Zolnowsky@kp.org](mailto:Tisha.Zolnowsky@kp.org)>  
**Sent:** Thursday, September 28, 2023 9:54 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I am writing to provide comments on the proposed **Koi Nation Shiloh Resort and Casino** Project. **I can't believe this is even an option. Really, why is putting a GIANT casino in a neighborhood even an option!** 50' from backyards where families, animals, and children play.

That vineyard saved the surrounding neighborhoods by being a fire break. What about the flooding. What happens to the homes 50' away from a parking lot? Where will the water go? I cannot comprehend how anyone would think that adding a massive casino in a neighborhood is OK. Why are we even talking about this, it's absurd for so many reasons. **Why do us citizens continue to get pushed around by organizations that put their profit before population safety.** Sadly, politics and things like this are driven and bought by money. The little guy (residents) never seem to win against billionaires.

If this project goes through, will we look back and wonder how we got into a situation where the tiny town of Windsor burned up because the people were trapped by traffic? **Who will be blamed** for all the **deaths by fire** and because of the inability to evacuate? The last evacuation took me four hours to leave Windsor, CA. Windsor, CA, is the wrong location for a business that will add more traffic and people than the 26,000 residents. I am on the county line and it took 4 hours!

Seriously, I'm scared.

Yes, a massive project like the proposed casino will destroy the beauty and increase traffic, congestion, and crime in a residential area, but most of all, it will more than double the people in an area that is already challenged with the ability to evacuate in a safe, timely manner. No roads will be big enough.

There are areas in Sonoma County more appropriate for a high volume 24/7 business. This project will needlessly destroy and corrupt a family residential neighborhood to benefit a small number of individuals from another California region.



So sad  
Tisha Zolnowsky

**From:** Katherine Schram <[schram@sonic.net](mailto:schram@sonic.net)>  
**Sent:** Saturday, October 7, 2023 8:17 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I oppose the Koi Nation's Sonoma County Casino Project for several reasons:

1. The Koi do not have "significant historical connection" to the site, a requirement for the development of tribal casinos. The Koi have long standing ties to Lake County, not Sonoma County. I completely support Tribal Nations right to economic self-sufficiency through casino operations, but only in their ancestral homelands.
2. The proposed project is in a residential area with elementary schools, parks, and churches in proximity. This project is inappropriate for this area. The traffic from such a large casino would create significant noise and reduce air quality.
3. The area has had to evacuate twice in the past 6 years due to major wildfire. I have serious concerns about the evacuation routes being able to cope with thousands of more cars on the road. I truly believe this project would put lives in danger.

Thank you for your consideration of my views.

Sincerely,

Katherine Schram  
Sonoma County Resident (40 years)



**From:** Don And Barbara Wolf <[teamwoof@yahoo.com](mailto:teamwoof@yahoo.com)>  
**Sent:** Sunday, October 8, 2023 1:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Re proposed Koi Nation casino on East Shiloh Road

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Dear Chad Broussard,

First let me say that I do not gamble and have never been inside a casino. To me it just seems like a way to get money from people that don't understand probability or simple math. That said, I think that the proposed location is a good one. It's only ½ mile from the Hwy101/Shiloh Road freeway interchange and less than that to a big box shopping center, so it's not like it would damage some idyllic rural setting. Yes it is currently a vineyard, but that is bordered on three sides by building developments, so the neighbors shouldn't reasonably think that vineyard would remain undeveloped forever.

The neighborhood group that is resisting the proposed casino contacted the cycling club that I've been a member of for 38 years to solicit support to oppose the casino on grounds that it would negatively impact the cycling community since Esposti Park on East Shiloh Road is a commonly used starting point for rides. Well, we normally ride roads that are much more heavily trafficked than East Shiloh Road will be if the casino is built, so to me that just seems like the NIMBY community grasping at straws to oppose the development.

My 2 cents.

Thank you for your consideration,

Don Wolf

445 Nikki Road

Santa Rosa, CA 95401

**From:** [tmcsmbg@aol.com](mailto:tmcsmbg@aol.com) <[tmcsmbg@aol.com](mailto:tmcsmbg@aol.com)>  
**Sent:** Monday, October 9, 2023 11:13 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** Tracy Wallace <[twallaceprop@yahoo.com](mailto:twallaceprop@yahoo.com)>  
**Subject:** [EXTERNAL] Casino Proposal at North Santa Rosa/Windsor

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To whom this may concern,

My family and I have lived in Sonoma County for the last 57 years.

It is a beautiful place. We strongly object to people's home's being destroyed, privacy invaded, increased traffic to build yet, another casino in our county. We have roughly about 5 of them already within a 30 mile drive each way. Graton casino is huge. This proposal is also being considered by a tribe that is not even from here. We urge you to please reconsider this proposal and relocate to another place outside Sonoma County. If there is any protest, we will be part of it!

Thank you for reading my letter and again, please do not build this casino.

Respectfully,

Tim & Martha Meiburg

**From:** Lance Cottrell <[lance@lancecottrell.com](mailto:lance@lancecottrell.com)>  
**Sent:** Monday, October 9, 2023 4:06 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Lance M. Cottrell  
853 Shiloh Glen  
Santa Rosa, CA 95403  
Lance@Lancecottrell.Com  
703-592-6772  
10/9/2023

Mr.Chad Broussard  
Environmental Protection Specialist  
BIA Pacific Region  
2800 Cottage Way  
Sacramento, California 95825  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Re: Environmental Assessment Report for the Proposed Koi Nation Casino near Windsor, California  
Dear Mr. Broussard,

I am writing to express my strong objections to the proposed Koi Nation Casino near Windsor, California, as outlined in the environmental assessment report. While I recognize the potential economic benefits such a project may bring to the tribe, I believe that the assessment understates critical concerns that could have dire consequences for the safety and livelihood of the local community.

Firstly, I emphasize my profound concern regarding the assessment's inadequate consideration of the heightened risk of wildfires in the surrounding area and the potentially disastrous impacts on evacuations. Over the past six years, I have personally experienced multiple evacuations, sometimes facing immediate danger from advancing flames. Shiloh Road, where the casino is planned to be constructed, serves as the sole viable evacuation route for most communities located east of the proposed location.

The inadequacy of evacuation planning and the high wildfire risk in the region should not be underestimated. Opening a casino in this area will significantly exacerbate the already perilous situation, putting countless lives at risk during an evacuation. The proposed mitigation is grossly insufficient to address the risk to the lives of nearby residents. It is essential that the environmental assessment takes into account the safety of residents and visitors alike, and any project that increases the risk of disaster-related casualties should be thoroughly reconsidered.

Secondly, I am deeply skeptical of the assessment's assertion that the casino would be a net positive for the local economy due to job creation. While job creation is an important consideration, the local economy in Windsor and its vicinity already faces a severe shortage of workers in the hospitality sector. The addition of this venue would only exacerbate this shortage, potentially harming other businesses in the area that rely on the same pool of workers.

Furthermore, there is a critical shortage of affordable housing in the region, which means that there are limited opportunities for new workers to relocate to the area. Without addressing these housing

challenges, the proposed casino is more likely to strain the existing labor market than contribute to its growth.

In conclusion, I urge the Bureau of Indian Affairs to reconsider the approval of the proposed Koi Nation Casino near Windsor, California. The potential for increased wildfire risks and the adverse economic impacts on the local community deserve serious consideration. It is crucial that the environmental assessment thoroughly addresses these concerns and explores alternative options that prioritize the safety and well-being of residents and the stability of the local economy.

Thank you for your attention to these critical matters. I trust that you will carefully evaluate the information presented here and make a decision that truly serves the best interests of the community and the environment.

Sincerely,  
Lance Cottrell, local resident

**From:** SusanV <[suzseed@yahoo.com](mailto:suzseed@yahoo.com)>  
**Sent:** Monday, October 9, 2023 8:27 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] opposing the Koi Nation Shiloh casino

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Please consider my opposition to the Koi Nation's proposed casino-resort project in the Shiloh neighborhood in Windsor, CA.

I had to evacuate at 2:15am Oct. 8th for the Tubbs fire. My home was the last one standing afterwards. I was stuck for an hour on Old Redwood hwy just outside the area the Koi nation want to build a casino. In no way can we afford more people with cars on the road for emergencies.

Also, this road is very backed up for hours in the morning & evening rush hour. Visitors who do not have to live with this nightmare will make this even worse.

And the lack of water we have. This will make our matters even worse.

All these reasons support my opposition.

If this does go through, hundreds of us are already gathering together to picket & block the entry ways for years so builders cannot build here.

NOT IN OUR BACKYARD!

*Susan Rineman*

**From:** Angela Somawang <[asomawang@mwusd.org](mailto:asomawang@mwusd.org)>  
**Sent:** Tuesday, October 10, 2023 9:27 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Good morning Mr. Broussard,

I am writing to you today to express my concerns about the location of the casino and the impact to the environment. I am the school psychologist for the Mark West Union School District, a parent of a Riebli Elementary student, and a resident of a Larkfield neighborhood. I am very concerned about the proximity of the casino to our elementary schools, in particular San Miguel and Mark West. Our kids often walk to and from school or ride their bikes. Having a casino that close, especially a casino that serves alcohol, puts our kids at risk. After Rohnert Park opened their casino, their crime rates increased. Even after Sutter hospital was built, our crime rates increased in the Larkfield area. I can't imagine what a casino would do and I am deeply concerned for our schools, safety, and the mental health impacts for our parents and children.

When doing an environmental study, I hope that the environmental risk for our residents, children, and school safety are also taken into consideration because our children are the most important part of this environment. This casino is too close to schools and should not be built in that location.

Thank you,

--

Ella Somawang, M.Ed  
District Psychologist  
Mark West Union School District  
(707) 524-2980 x3104  
[asomawang@mwusd.org](mailto:asomawang@mwusd.org)

**From:** Beth Wolk <[blwolk@gmail.com](mailto:blwolk@gmail.com)>  
**Sent:** Tuesday, October 10, 2023 8:31 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Casino, Shiloh Road, Windsor, CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing this email to express my opposition to the building of a casino on Shiloh Road in Windsor, CA. I am a retired school administrator and a twelve year resident of Windsor. I am concerned about this project for many reasons, the first being that it will be located in a residential neighborhood, across from a church, a mile from one elementary school as well as 1.5 miles from another. I believe it is dangerous to have a casino that serves alcohol all hours of the day and night so close to a school. There is a distinct possibility that accidents will happen as children are crossing the street as they travel to and from school. Additionally, there is a tremendous amount of traffic that is generated when students are traveling to and from school which will be made worse with the traffic from a casino. The building of a project as large as this one will also generate a great deal of heavy equipment and the blocking of roads making it difficult to get into the schools and dangerous in an emergency situation or a fire. I strongly urge the BIA to listen to me and the citizens of Windsor who oppose this project.

Sincerely,

Beth Wolk

Retired School Administrator

*Thanks,*

*Beth*

Beth Wolk  
415-717-9734

**From:** Santinka Taylor <[santinka.taylor@gmail.com](mailto:santinka.taylor@gmail.com)>  
**Sent:** Wednesday, October 11, 2023 10:18 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Department of the Interior  
Attn: Chad Broussard, Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.



**From:** Barbara Cottrell <[barb@horormistress.com](mailto:barb@horormistress.com)>  
**Sent:** Wednesday, October 11, 2023 10:44 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Casino near Windsor, California

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Barbara Cottrell  
853 Shiloh Glen  
Santa Rosa, CA 95403  
[barb@horormistress.com](mailto:barb@horormistress.com)  
10/11/2023

Mr. Chad Broussard  
Environmental Protection Specialist  
BIA Pacific Region  
2800 Cottage Way  
Sacramento, California 95825  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Re: Environmental Assessment Report for the Proposed Koi Nation Casino near Windsor, California

Dear Mr. Broussard,

I am writing to express my strong objections to the proposed Koi Nation Casino near Windsor, California, as outlined in the environmental assessment report.

While I recognize the potential economic benefits such a project may bring to the tribe, I believe that the assessment understates critical concerns that could have dire consequences for the safety and livelihood of the local community.

First, I want to emphasize my concern regarding the assessment's inadequate consideration of the heightened risk of wildfires in the surrounding area and the potentially disastrous impacts on evacuations. I have personally experienced multiple evacuations over the past six years, sometimes facing immediate danger from advancing flames. Shiloh Road, where the casino is planned to be constructed, serves as the only evacuation route for most communities located east of the proposed location. Opening a casino in this area will significantly exacerbate the already perilous situation, putting countless lives at risk during an evacuation. It is essential that the environmental assessment takes into account the safety of residents and visitors alike. Any project that increases the risk of disaster-related casualties should be thoroughly reconsidered.

I am also skeptical of the assessment's assertion that the casino would be a net positive for the local economy due to job creation. While job creation is an important consideration, the local economy in Windsor and its vicinity already faces a severe shortage of workers in the hospitality sector. The addition of this venue would only exacerbate this shortage, potentially harming other businesses in the area that rely on the same pool of workers.

I urge the Bureau of Indian Affairs to reconsider the approval of the proposed Koi Nation Casino near Windsor, California. The potential for increased wildfire risks and the adverse economic impacts on the local community deserve serious consideration. It is crucial that the environmental assessment thoroughly addresses these concerns and explores alternative options that prioritize the safety and well-being of residents and the stability of the local economy.

Thank you for your attention to these critical matters and for allowing me a chance to voice my concerns.

Sincerely,

Barbara Cottrell, Local Resident

**From:** Chris Lamela <[chris@chrislamela.com](mailto:chris@chrislamela.com)>  
**Sent:** Tuesday, October 10, 2023 11:59 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Objection to the proposed Koi casino in Sonoma County

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Chad,  
Please find attached our outlined objections to the proposed Koi casino in Sonoma County. It is our sincere hope that you will read this report in detail and act upon it accordingly. Please confirm receipt. Thank you.

Regards,

- Chris Lamela  
[chris@chrislamela.com](mailto:chris@chrislamela.com)  
707-566-8790 PST

One attachment • Scanned by Gmail

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific region  
chad.broussard@bia.gov

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

This communication is to express our opposition to the Environmental Assessment report submitted on behalf of the Koi Nation so they can construct a massive casino on Sonoma County land, adjacent to the Town of Windsor, California. The objective of this complaint is to have the Bureau of Indian Affairs deny the validity of the Environmental Assessment and to ultimately disallow that development.

**Our backgrounds**

I am Chris Lamela. I hold multiple university degrees including a Masters Degree. Anushka Coverdale holds two university degrees, one from Europe and one from the United States. We both own businesses and are well known in our community. We trust these credentials will lend credibility to our objections we have laid out in this document. We happen to live in the development directly across the street from the proposed casino.

**Objections to the Environmental Assessment**

The Environment Assessment is extremely flawed in a number of areas which are described below. Much of this was covered verbally during the public hearing of September 27 and there were numerous other objections expressed then.

During that call the only people who were in favor of that development were from the carpenters union; many were obviously reading from scripts clearly provided by others with financial interests in this project. This demonstrates that any support for this casino is extremely limited and only one-sided.

We know there are many, many objections to this EA. Here we will lay out six specific objections.

## 1. Fire

If you have never had a wildfire barreling down the mountainside heading toward your home you have no idea of the **terror and helplessness** that overwhelms you.

In 1997 the Tubbs fire, which originated in Napa county, 15 miles away and over a mountain range away destroyed 5,643 buildings including entire very large neighborhoods less than three miles south from this site. The only thing that saved us from that fire was the miraculous shift in winds that blew the fire away from us. If not, our homes would have also been destroyed. That fire killed 22 people. As the EA states, this fire was the fourth deadliest wildfire in California history. We experienced horror as the Tubbs fire came within a few hundred yards of our home, a wall of fire so close we could feel the heat on our faces.

In 1999 the Kincade fire destroyed 374 structures and thankfully there were no fatalities. That fire originated nearly 10 miles north of the site and came within hundreds of yards of the development. That fire clearly threatened this site.

The map shown in figure 3.12-2 shows a zone 4 (high risk) region less than a few hundred yards from the development.

***It is worth noting that the occurrence of another devastating wildfire is not if, but when.***

The EA says that in the event of a fire that approximately 2,450 vehicles would have to be evacuated taking 2.5 hours to do so.

Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

The EA described how twelve attendants will evacuate 4,310 vehicles which is assumed will be a smooth operation with no panic by people driving those vehicles looking in their rear-view mirrors at flames racing down the mountain to kill them. That the attendants will not be panicked and will not flee themselves is ludicrous. **In addition to us trying to flee, those 4,310 vehicles will have no place to go creating an enormous traffic jam.** Remember that it took nearly an hour to reach Highway 101 during the Tubbs and Kincade fires with only the traffic we had then. Evacuation in such a situation will be impossible. **Many people will die. The question is**

**can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

As stated in the EA, Highway 101 can handle 2,000 vehicles per hour. These numbers show that even with this optimistic assessment the numbers do not match. There is no room for such new traffic. None.

Make no mistake. In the event of another catastrophic fire (not if, but when) **many people will die. Are you sure you can live with that?**

This EA is extremely flawed in its assessment of fire safety. Its ludicrous plan for evacuation is downright fraudulent.

## **2. Crime**

The EA denies that there will be significant increases in crime due to the casino.

**This defies logic.**

The Graton casino is located only a few miles from this site. As reported by the Rohnert Park Police Department crime jumped from about 100 in 2013, the year the casino was completed, to 755 in 2014, the first full year of operation. By 2015 and 2016 it rose to 21% year-over-year to 925 in 2017 and has likely continued to climb since then. Rohnert Park's violent crime rate is 6.57 per 1,000 people vs. 4.4 for California overall. This means that many more people experienced violent crime in Rohnert Park than the average Californian likely caused by the casino.

The types of crimes associated with casinos are auto break-ins, burglaries, robbery, drug sales and prostitution.

To say there will be no rise in crime at the casino sight is pure nonsense. While much of the crime will be centered on the casino property the local neighborhoods see rises in auto break-ins and burglaries caused by a casino.

The Environment Assessment is extremely flawed in its trite handling of crime which is an extremely serious matter nearly swept under the rug in this EA.

## **3. Water**

According to the EA report, the project is planning on pumping 170,000 gallons per day from wells on the property. This EA seems to think that the underground aquifers are without limits. However, there are dozens of wells used by residents near the site. There is little doubt those 170,000 gallons per day will lower the water table enough so that the local residents' wells will most likely run dry. These residents have had many years where they had to

conserve because of the drought years. These residents probably don't use 170,000 gallons in a month because they are afraid of running out of water.

Understand that this region goes through cycles of drought and rain, with the last drought lasting four years. This affects the water table and the draw of 170,000 gallons will have devastating effect on local residents reliant on well water.

The EA states this so matter of fact. It is clear that they want us to overlook this enormous impact.

Once again, we are witness to the poor quality of this Environment Assessment that overlooks such a concerning matter.

#### **4. Traffic**

The casino property is located only one mile from Highway 101, a modestly traveled freeway. According to Caltrans data, 2,800 cars a day pass Shiloh Road on Highway 101 in both directions on peak traffic days, less than 200 vehicles per hour on average. Assuming a turnover of six times a day at the casino (four-hour stays by casino guests) this proposal could add as many as 14,700 vehicles a day, more than five times the traffic on Highway 101 now.

While there is no available measure of traffic for Shiloh Road, a narrow two-lane road, from Highway 101 to the site, that traffic flow is probably measured in the low hundreds per day. So again using the 14,700 number **this road could experience hundreds of times more traffic.**

Going back to the topic of wildfires described earlier, that will make evacuation **impossible** and again **many people will die.**

This Environmental Assessment's description of traffic as trivial is extremely flawed and once again tries to belittle a very important issue that **may be a matter of life or death.**

#### **5. Claim to tribal homeland**

The 89 members of the Koi nation claim to be indigenous to Sonoma County.

**That claim is false.**

In 1916, the federal government acquired a rancheria for the Koi Nation in Lake County. In fact, the Koi Nation was previously known as Lower Lake Rancheria, a reflection of its geographic and cultural ties to the area. They changed its name in 2012, amid prior attempts to acquire a gaming site

in the Bay Area. They were clearly originally established in Lake County which is their homeland to this day.

It is well known that they have been “Casino shopping” with their first attempt at reservation shopping in the early 2000’s when they tried to acquire a casino site near Oakland Airport. They again tried more recently when they attempted to build a casino on Mare Island near Vallejo in 2015. In both cases local leaders were able to overcome their desire. Obviously Sonoma County was not their homeland then. **Was Oakland their homeland? Was Mare Island their homeland? Is now Sonoma County their homeland? NO!**

As for their claim to be indigenous to Sonoma County, Dr. Greg Sarris, chairman of the Federated Indians of Graton Rancheria, says that the Koi Nation has “never been associated with Sonoma County linguistically or culturally,” and he says this with some authority as a professor at Sonoma State University who has worked closely with renowned ethnohistorians and linguists. “This effort ignores federal law requiring restored tribes to demonstrate a significant historical connection to the lands on which they propose to game.”

The city of Clearlake is currently trying to build a recreation center to which the Koi object. According to Koi tribal leaders, Clearlake is required by law under the California Environmental Quality Act (CEQA) to consult with the Koi Nation about the potential effects of the project on important cultural sites of the tribe, whose ancestors have lived in the region for over 17,000 years. This is a quote from tribal leadership stating clearly that Clear Lake is their ancestral home.

The Koi Nation is suing the city claiming they have violated their homeland. Koi Nation Chairman Darin Beltran stated in a direct quote, “The City of Clearlake and the City’s leaders must respect the law, our cultural heritage and our tribal sovereignty.” The term “tribal sovereignty” clearly means “This is our homeland.” If it were not their homeland he would not have stated it was their homeland and they would not be objecting to what the city is planning. Clearly he was once more confirming that Clear Lake is their homeland to this day. Let’s be absolutely clear about this subject:

**Clear Lake is their ancestral homeland, not Sonoma County.**

**Sorry, only one homeland to a customer.**

This flawed Environmental Assessment did not take any of this into account when it stated that the Koi are native to Sonoma County which they clearly are not. The EA should have stated that their homeland is not Sonoma County if it was truthful. This clearly is a gigantic misstatement in the EA deliberately put into that document desperately trying to mislead us.



## 6. Impacts on Quality of life

While the EA does not describe quality of life for the surrounding area, we are the residents of the surrounding area and **we are therefore part of the environment** and should have been considered in this flawed document.

### Geographical background

We live in a quiet neighborhood exactly north of the proposed development separated only by narrow two-lane Shiloh Road. Our homes are literally a “stone’s throw” from the development. Our home, located on the corner of Lea Street and Gridley Drive is only 246 yards (less than three football fields) to the proposed main casino building. It is worth noting that the proposed plans extend Gridley Drive straight into the development. **We cannot be subjected to such a plan that will prevent us from easily getting into or out of our neighborhood, especially in the case of fire.**

For the reasons stated here, the quality of life for the neighboring areas will be hugely impacted. These are only a few of the impacts.

1. **Right to quiet enjoyment.** As Americans our right to a quiet and peaceful life is enshrined in our value system and the law. We are homeowners who have worked our whole lives to achieve what we have and many of us have lived in our homes for decades. We are entitled to quiet enjoyment. The constant noise, traffic, lights and commotion would be ongoing 24/7. There is no question that this development **will destroy our lives** by denying us quiet enjoyment and force us to either move from our homes or to put up with the anxiety and worry this will bring on.
2. **Right to safety.** We have the inherent and legal right to feel safe and to be safe. As mentioned in this response, our right to safety will be in great peril. Evacuating from wildfires, crime and other outcomes of this development will hugely impact our right to live in safety.
3. **Value of our homes.** As stated earlier, we have worked our whole lives to be able to purchase our homes. According to a study by the National Association of Realtors, Indian casinos create a negative impact on home values of 4.6% on average. Again, we have worked very hard to purchase our homes, many of us are retired and will be devastated by this impact.

Clearly this devastating omission of impacts on Quality of Life were dismissed in this flawed document. The reason for that omission is simple: it doesn't tell a pretty story. But it is a story that will be devastating to those who will be impacted. Once again, another strong statement of omission or misinformation from this flawed Environmental Assessment.

## CONCLUSION

Beyond the Environmental Assessment, it is impossible to comprehend how a tribe of only 89 people **not native** to Sonoma County could be permitted to destroy the lives of thousands of honest citizens. **You should not permit this!** Our objections have nothing to do with the perpetrators of this disaster and are purely about the concerns stated here.

Regarding the Environment Assessment, the information shown here clearly demonstrates that the Environment Assessment is **extremely flawed** and should not be accepted by the Bureau of Indian Affairs. The EA document was clearly written to favor this development which defies the logic of an objective review. **This Environmental Assessment is not objective.**

We further ask that this entire project be rejected by the Bureau of Indian Affairs and that this development will not be allowed to proceed.

**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,



---

Chris Lamela

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific regional office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

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**Our backgrounds**

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*It is worth noting that the occurrence of another devastating wildfire is not if, but when.*

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Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

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## **can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

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## CONCLUSION

Beyond the Environmental Assessment, it is impossible to comprehend how a tribe of only 89 people **not native** to Sonoma County could be permitted to destroy the lives of thousands of honest citizens. **You should not permit this!** Our objections have nothing to do with the perpetrators of this disaster and are purely about the concerns stated here.

Regarding the Environment Assessment, the information shown here clearly demonstrates that the Environment Assessment is **extremely flawed** and should not be accepted by the Bureau of Indian Affairs. The EA document was clearly written to favor this development which defies the logic of an objective review. **This Environmental Assessment is not objective.**

We further ask that this entire project be rejected by the Bureau of Indian Affairs and that this development will not be allowed to proceed.

**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,



---

Chris Lamela

Chris Lamela and  
Anushka Coverdale  
200 Lea Street  
Windsor, CA 95492

October 10, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific regional office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**Subject: Objections to Environmental Assessment report for proposed KOI casino**

This communication is to express our opposition to the Environmental Assessment report submitted on behalf of the Koi Nation so they can construct a massive casino on Sonoma County land, adjacent to the Town of Windsor, California. The objective of this complaint is to have the Bureau of Indian Affairs deny the validity of the Environmental Assessment and to ultimately disallow that development.

**Our backgrounds**

I am Chris Lamela. I hold multiple university degrees including a Masters Degree. Anushka Coverdale holds two university degrees, one from Europe and one from the United States. We both own businesses and are well known in our community. We trust these credentials will lend credibility to our objections we have laid out in this document. We happen to live in the development directly across the street from the proposed casino.

**Objections to the Environmental Assessment**

The Environment Assessment is extremely flawed in a number of areas which are described below. Much of this was covered verbally during the public hearing of September 27 and there were numerous other objections expressed then.

During that call the only people who were in favor of that development were from the carpenters union; many were obviously reading from scripts clearly provided by others with financial interests in this project. This demonstrates that any support for this casino is extremely limited and only one-sided.

We know there are many, many objections to this EA. Here we will lay out six specific objections.

## **1. Fire**

If you have never had a wildfire barreling down the mountainside heading toward your home you have no idea of the **terror and helplessness** that overwhelms you.

In 1997 the Tubbs fire, which originated in Napa county, 15 miles away and over a mountain range away destroyed 5,643 buildings including entire very large neighborhoods less than three miles south from this site. The only thing that saved us from that fire was the miraculous shift in winds that blew the fire away from us. If not, our homes would have also been destroyed. That fire killed 22 people. As the EA states, this fire was the fourth deadliest wildfire in California history. We experienced horror as the Tubbs fire came within a few hundred yards of our home, a wall of fire so close we could feel the heat on our faces.

In 1999 the Kincade fire destroyed 374 structures and thankfully there were no fatalities. That fire originated nearly 10 miles north of the site and came within hundreds of yards of the development. That fire clearly threatened this site.

The map shown in figure 3.12-2 shows a zone 4 (high risk) region less than a few hundred yards from the development.

***It is worth noting that the occurrence of another devastating wildfire is not if, but when.***

The EA says that in the event of a fire that approximately 2,450 vehicles would have to be evacuated taking 2.5 hours to do so.

Understand that during the wildfires of 2017 and 2019 a sheriff's deputy knocked on our door and told us we had **5 minutes to leave!** We live only one mile from Highway 101, yet during the fires of 2017 and 2019 it took us nearly one hour to reach the freeway with only the population we have now.

The EA described how twelve attendants will evacuate 4,310 vehicles which is assumed will be a smooth operation with no panic by people driving those vehicles looking in their rear-view mirrors at flames racing down the mountain to kill them. That the attendants will not be panicked and will not flee themselves is ludicrous. **In addition to us trying to flee, those 4,310 vehicles will have no place to go creating an enormous traffic jam.** Remember that it took nearly an hour to reach Highway 101 during the Tubbs and Kincade fires with only the traffic we had then. Evacuation in such a situation will be impossible. **Many people will die. The question is**

### **can you live with knowing that the BIA decision makers could have prevented such a tragedy?**

As stated in the EA, Highway 101 can handle 2,000 vehicles per hour. These numbers show that even with this optimistic assessment the numbers do not match. There is no room for such new traffic. None.

Make no mistake. In the event of another catastrophic fire (not if, but when) **many people will die. Are you sure you can live with that?**

This EA is extremely flawed in its assessment of fire safety. Its ludicrous plan for evacuation is downright fraudulent.

## **2. Crime**

The EA denies that there will be significant increases in crime due to the casino.

### **This defies logic.**

The Graton casino is located only a few miles from this site. As reported by the Rohnert Park Police Department crime jumped from about 100 in 2013, the year the casino was completed, to 755 in 2014, the first full year of operation. By 2015 and 2016 it rose to 21% year-over-year to 925 in 2017 and has likely continued to climb since then. Rohnert Park's violent crime rate is 6.57 per 1,000 people vs. 4.4 for California overall. This means that many more people experienced violent crime in Rohnert Park than the average Californian likely caused by the casino.

The types of crimes associated with casinos are auto break-ins, burglaries, robbery, drug sales and prostitution.

To say there will be no rise in crime at the casino sight is pure nonsense. While much of the crime will be centered on the casino property the local neighborhoods see rises in auto break-ins and burglaries caused by a casino.

The Environment Assessment is extremely flawed in its trite handling of crime which is an extremely serious matter nearly swept under the rug in this EA.

## **3. Water**

According to the EA report, the project is planning on pumping 170,000 gallons per day from wells on the property. This EA seems to think that the underground aquifers are without limits. However, there are dozens of wells used by residents near the site. There is little doubt those 170,000 gallons per day will lower the water table enough so that the local residents' wells will most likely run dry. These residents have had many years where they had to

conserve because of the drought years. These residents probably don't use 170,000 gallons in a month because they are afraid of running out of water.

Understand that this region goes through cycles of drought and rain, with the last drought lasting four years. This affects the water table and the draw of 170,000 gallons will have devastating effect on local residents reliant on well water.

The EA states this so matter of fact. It is clear that they want us to overlook this enormous impact.

Once again, we are witness to the poor quality of this Environment Assessment that overlooks such a concerning matter.

#### **4. Traffic**

The casino property is located only one mile from Highway 101, a modestly traveled freeway. According to Caltrans data, 2,800 cars a day pass Shiloh Road on Highway 101 in both directions on peak traffic days, less than 200 vehicles per hour on average. Assuming a turnover of six times a day at the casino (four-hour stays by casino guests) this proposal could add as many as 14,700 vehicles a day, more than five times the traffic on Highway 101 now.

While there is no available measure of traffic for Shiloh Road, a narrow two-lane road, from Highway 101 to the site, that traffic flow is probably measured in the low hundreds per day. So again using the 14,700 number **this road could experience hundreds of times more traffic.**

Going back to the topic of wildfires described earlier, that will make evacuation **impossible** and again **many people will die.**

This Environmental Assessment's description of traffic as trivial is extremely flawed and once again tries to belittle a very important issue that **may be a matter of life or death.**

#### **5. Claim to tribal homeland**

The 89 members of the Koi nation claim to be indigenous to Sonoma County.

**That claim is false.**

In 1916, the federal government acquired a rancheria for the Koi Nation in Lake County. In fact, the Koi Nation was previously known as Lower Lake Rancheria, a reflection of its geographic and cultural ties to the area. They changed its name in 2012, amid prior attempts to acquire a gaming site

in the Bay Area. They were clearly originally established in Lake County which is their homeland to this day.

It is well known that they have been “Casino shopping” with their first attempt at reservation shopping in the early 2000’s when they tried to acquire a casino site near Oakland Airport. They again tried more recently when they attempted to build a casino on Mare Island near Vallejo in 2015. In both cases local leaders were able to overcome their desire. Obviously Sonoma County was not their homeland then. **Was Oakland their homeland? Was Mare Island their homeland? Is now Sonoma County their homeland? NO!**

As for their claim to be indigenous to Sonoma County, Dr. Greg Sarris, chairman of the Federated Indians of Graton Rancheria, says that the Koi Nation has “never been associated with Sonoma County linguistically or culturally,” and he says this with some authority as a professor at Sonoma State University who has worked closely with renowned ethnohistorians and linguists. “This effort ignores federal law requiring restored tribes to demonstrate a significant historical connection to the lands on which they propose to game.”

The city of Clearlake is currently trying to build a recreation center to which the Koi object. According to Koi tribal leaders, Clearlake is required by law under the California Environmental Quality Act (CEQA) to consult with the Koi Nation about the potential effects of the project on important cultural sites of the tribe, whose ancestors have lived in the region for over 17,000 years. This is a quote from tribal leadership stating clearly that Clear Lake is their ancestral home.

The Koi Nation is suing the city claiming they have violated their homeland. Koi Nation Chairman Darin Beltran stated in a direct quote, “The City of Clearlake and the City’s leaders must respect the law, our cultural heritage and our tribal sovereignty.” The term “tribal sovereignty” clearly means “This is our homeland.” If it were not their homeland he would not have stated it was their homeland and they would not be objecting to what the city is planning. Clearly he was once more confirming that Clear Lake is their homeland to this day. Let’s be absolutely clear about this subject:

**Clear Lake is their ancestral homeland, not Sonoma County.**

**Sorry, only one homeland to a customer.**

This flawed Environmental Assessment did not take any of this into account when it stated that the Koi are native to Sonoma County which they clearly are not. The EA should have stated that their homeland is not Sonoma County if it was truthful. This clearly is a gigantic misstatement in the EA deliberately put into that document desperately trying to mislead us.

## 6. Impacts on Quality of life

While the EA does not describe quality of life for the surrounding area, we are the residents of the surrounding area and **we are therefore part of the environment** and should have been considered in this flawed document.

### Geographical background

We live in a quiet neighborhood exactly north of the proposed development separated only by narrow two-lane Shiloh Road. Our homes are literally a “stone’s throw” from the development. Our home, located on the corner of Lea Street and Gridley Drive is only 246 yards (less than three football fields) to the proposed main casino building. It is worth noting that the proposed plans extend Gridley Drive straight into the development. **We cannot be subjected to such a plan that will prevent us from easily getting into or out of our neighborhood, especially in the case of fire.**

For the reasons stated here, the quality of life for the neighboring areas will be hugely impacted. These are only a few of the impacts.

1. **Right to quiet enjoyment.** As Americans our right to a quiet and peaceful life is enshrined in our value system and the law. We are homeowners who have worked our whole lives to achieve what we have and many of us have lived in our homes for decades. We are entitled to quiet enjoyment. The constant noise, traffic, lights and commotion would be ongoing 24/7. There is no question that this development **will destroy our lives** by denying us quiet enjoyment and force us to either move from our homes or to put up with the anxiety and worry this will bring on.
2. **Right to safety.** We have the inherent and legal right to feel safe and to be safe. As mentioned in this response, our right to safety will be in great peril. Evacuating from wildfires, crime and other outcomes of this development will hugely impact our right to live in safety.
3. **Value of our homes.** As stated earlier, we have worked our whole lives to be able to purchase our homes. According to a study by the National Association of Realtors, Indian casinos create a negative impact on home values of 4.6% on average. Again, we have worked very hard to purchase our homes, many of us are retired and will be devastated by this impact.

Clearly this devastating omission of impacts on Quality of Life were dismissed in this flawed document. The reason for that omission is simple: it doesn't tell a pretty story. But it is a story that will be devastating to those who will be impacted. Once again, another strong statement of omission or misinformation from this flawed Environmental Assessment.

## CONCLUSION

Beyond the Environmental Assessment, it is impossible to comprehend how a tribe of only 89 people **not native** to Sonoma County could be permitted to destroy the lives of thousands of honest citizens. **You should not permit this!** Our objections have nothing to do with the perpetrators of this disaster and are purely about the concerns stated here.

Regarding the Environment Assessment, the information shown here clearly demonstrates that the Environment Assessment is **extremely flawed** and should not be accepted by the Bureau of Indian Affairs. The EA document was clearly written to favor this development which defies the logic of an objective review. **This Environmental Assessment is not objective.**

We further ask that this entire project be rejected by the Bureau of Indian Affairs and that this development will not be allowed to proceed.

**You need to understand that such a monstrosity being built in the middle of residential neighborhoods will destroy the lives of thousands of residents for miles around.**

We submit this objection with the sincerest expectations of this being taken seriously and that the right action will be taken accordingly by the Bureau of Indian Affairs.

Respectfully,



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Chris Lamela



**From:** RICHARD BOYD <[richard11boyde@comcast.net](mailto:richard11boyde@comcast.net)>  
**Sent:** Friday, October 13, 2023 9:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor, KOI EA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I appreciate your conducting the Zoom in of Sept. 27. It would have been difficult for you not to notice the virtually unanimous opposition to the project by the residents of Windsor. The only comments in support seem to have come from construction workers (many of whom were apparently reading the same script). Windsor seems at present to be one huge construction zone, so it's difficult to see how they could be wanting for jobs!

Attached is my letter to Ms. Dutschke.

Sincerely,  
Richard N. Boyd, Ph.D.  
Professor Emeritus

**One attachment** • Scanned by Gmail

5846 Leona Court  
Windsor, CA 95492  
October 10, 2023

Ms. Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Ms. Dutschke,

I am writing in regard to the Environmental Assessment of the parcel of land adjacent to Windsor, CA in Sonoma County currently under consideration by the Koi Tribe for a casino/hotel facility. This EA is apparently intended to whitewash the problems associated with that location for the Koi's facility. In fact, the EA is so woefully inadequate that, if the BIA approves the facility, it will surely be sued due to the many factors that the EA fails to adequately consider. I'll address the two concerns I regard as most critical. These are with regard to traffic and water.

Since the assessment of the traffic was done, a huge 4 story unit housing complex is nearing completion at the corner of Old Redwood and Shiloh, and another is being built on Shiloh a quarter mile closer to US101. These will vastly increase the traffic along Shiloh Rd over what the EA claims to have determined.

But the EA assessment of current traffic also has nothing to do with what most worries those of us who must access Shiloh to go anywhere. That is the traffic that would be associated with a fire evacuation order. We've been evacuated twice in the past few years, and climate change ensures that we will surely be evacuated in the future. **This is a fact of life in this area, and it cannot be ignored.** Most of the people I know who live in this area have active plans if they need to evacuate again.

The last time this happened there were major traffic jams where Shiloh intersects Old Redwood Highway and another at US101. What happens in the next evacuation when there are several hundred more cars from the housing complexes as well as additional hundreds or thousands from the casino/hotel? The crush of cars trying to evacuate and access either Old Redwood Highway or US101 from Shiloh Rd. would be huge. The number of people who were incinerated in their cars in the Paradise and Lahaina fires would be insignificant compared to the many hundreds who would probably die, unable to get off Shiloh Road. Thus, any of the four versions of the Koi Tribe's proposal would create an extremely hazardous situation in an evacuation, but the one with a casino/hotel would be murderous. **The EA must address this!**

I also note that the suggested mitigation in the EA, that is, widening Shiloh to 4 lanes, would not mitigate anything. The logjams would still be at the Old Redwood Highway-Shiloh or Shiloh-US101 interchange, and that wouldn't change if Shiloh were even widened to 8 lanes. Another mitigation suggested was airlifting people from the casino/hotel. Given the small number of people who can be transported each trip, I'm guessing this would ensure safety for the executives of the casino/hotel, but not many more than that.

My other primary concern is with respect to water. The amount of daily water that is estimated for any of the versions of the facility will surely result in area wells running dry. It's not at all clear how that level of usage can be sustained even if one just drills deeper wells. Groundwater has been assumed to last forever in many places, and this has often been found to be wrong. The

assumption for the Koi proposals is certainly no exception. I presume that there are estimates of duration associated with our groundwater. If not, more absolutely must be known before a level of usage like this could be deemed acceptable. There would be differences in the consumption between the four possible Koi proposals, but they must be specified before any meaningful EA could be done.

The other aspect of this, though, is with regard to Pruitt Creek, which runs adjacent to the proposed site. When we had an atmospheric river, a year ago, some of that rainfall was absorbed in the vineyard. But the Creek still flooded. Now consider what happens when a large fraction of the Koi's proposed site is paved over for a parking lot. A much larger fraction of the rain will go into the Creek, turning it into a serious flooding problem. I don't see any mitigation strategy that could prevent that. And climate change ensures that we will have more atmospheric rivers.

Furthermore, where will the waste water from the casino/hotel waste processing facility be dumped? Presumably into Pruitt Creek. That sounds like an environmental insult of the first magnitude.

Finally, I believe the Koi Tribe should be allowed to build their casino/hotel somewhere. I'm an honorary Native American, and my natural tendencies are to support the efforts of tribes to support themselves. However, there are already three large casino/hotels in this area, and one of them is currently approved to double in size. Indeed, one of the speakers at the Sept. 29 town hall was a representative of one of the local tribes. He opposed the Koi's proposal, and noted that the proposed site for the Koi's facility is far from their historical homeland. Furthermore, the BIA has never approved a proposal anywhere close to that distance from the homeland.

Please reject every version of this proposal. There are certainly other possible sites. But any new site would have to have an EA that addressed the problems I discussed. But it would surely make sense for the Koi to check out other potential sites, especially some much closer to their homeland. This one is wrong!

**In any event, the EA for the Windsor site is completely invalid.**

Yours sincerely,

Richard N. Boyd, Ph.D.

Cc: Chad Broussard

5846 Leona Court  
Windsor, CA 95492  
October 10, 2023

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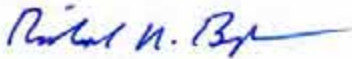
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**In any event, the EA for the Windsor site is completely invalid.**

Yours sincerely,



Richard N. Boyd, Ph.D.

Cc: Chad Broussard

**From:** Amy Ramsey <[amyramseyhmb@icloud.com](mailto:amyramseyhmb@icloud.com)>  
**Sent:** Saturday, October 14, 2023 11:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Thank you for taking the time on September 27 to hold the community zoom regarding the Koi Nation Casino proposal on Shiloh Rd. My husband and I attended the call and were grateful for the opportunity to comment on the proposal.

We are residents in the Shiloh community just east of the proposed casino location. During the 2017 and 2019 fires, we had to evacuate our home as the fires burned through our community with devastating effects. We were very lucky to get out without personal injury to ourselves or animals, unlike the many residents of other communities like Paradise, CA and Lahina, Maui who were tragically impacted when they could not evacuate. If you've spent any time trying to get onto Highway 101 @ Shiloh Road during the evening commute hours, you'll understand just how challenging it will be to accommodate the vast number of additional cars that any large development will add to the community traffic, let alone the devastating consequences during a mass evacuation effort.

There are so many reasons to reject all of the KOI nation's proposals for this specific location, but the **incredible potential for the loss of life should be sufficient for the BIA to reject the proposed options.** After almost 4 hours of listening to the comments during the Sept. 27th meeting, it was apparent that NO ONE that lives in the surrounding community supports these proposals. The favorable comments were almost entirely from tradesman with whom the KOI nation has promised work. These people do not live in our community nor will they have to live with the impact of a casino, hotel, event space, etc.

**We ask you to reject these proposals** and encourage the KOI nation to explore other locations for their casino that will not have such damaging and potentially devastating impacts on the surrounding communities.

One additional concern I have is for the precedent it would set for the BIA to grant land to tribes that are so far away from their native lands. It seems like this would open the door for other tribes, potentially even from out of state, to move into locations where other tribes are successfully making a living.

In addition to the reasons above, below are additional reasons to reject the KOI proposals. I hope you'll take time to carefully consider each of our concerns below. Lives are at stake and the future of our community depends on this decision.

- TRAFFIC - THE STREETS WERE NOT DESIGNED TO HANDLE THE AMOUNT OF TRAFFIC THAT WILL COME WITH THE CASINO. THERE WILL BE A CONFLUENCE OF CASINO TRAFFIC WITH RESIDENTIAL COMMUNITY TRAFFIC CAUSING GRIDLOCK/ CONGESTION. **It is clear that the traffic study conducted was incomplete.**

- NOISE 24/7 IN OUR OTHERWISE QUIET NEIGHBORHOOD. **Mitigation efforts to upgrade resident's windows is ridiculous. We have chosen to live in Northern California so we can spend much of our time outside. Is the answer for all the residents to retreat inside for the rest of their lives?**

- WILDFIRE RISK TO PUBLIC SAFETY INCREASED BY TRAFFIC GRIDLOCK DURING EVACUATION. THIS IS A HUGE ISSUE GIVEN THE GEOGRAPHY AND SINGLE LANE ROADWAYS TO EXIT THE NEIGHBORHOOD. **There is NO mitigation to solve this problem.**

- HARM TO ESPOSTI PARK, SHILOH REGIONAL PARK AND LOSS OF OPEN SPACE/ GREENBELT - **NO mitigation to solve this problem.**

- ZONING OF PARCEL DOES NOT ALLOW COMMERCIAL GAMBLING CASINO RESORT BUSINESS;

- BUSINESS OPERATION OCCURS 24/ 7 IN LOCATION SURROUNDED BY RESIDENTIAL NEIGHBORHOODS - **This is unprecedented in Northern California.**

- PUBLIC SAFETY AND INCREASE RISK OF DUI AND INJURY/ DEATH 24/7 - **The study saying this isn't the case is not accurate.**

- HARM TO WATER AVAILABILITY, QUALITY, LOSS OF FLOODPLAIN AND RECHARGE OF GROUND WATER AND WELLS - **NO mitigation to solve this problem.**

- LOSS OF RIPARIAN CORRIDOR, WATER FLOW, AND HABITAT FOR WILDLIFE  
- **NO mitigation to solve this problem.**

- LOSS OF PROPERTY VALUES FOR ALL REASONS ABOVE

Sincerely,  
Amy Ramsey  
840 Shiloh Oaks, Santa Rosa, CA 95403

**From:** Brian Williams <[totemz1956@gmail.com](mailto:totemz1956@gmail.com)>  
**Sent:** Saturday, October 14, 2023 4:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

My name;  
Brian Williams  
5801 Mathilde Dr.  
Windsor CA 94592

The EA report comes with clear pictures of the proposed site. It sits right in the middle of a suburban community, homes, parks and churches. The obvious impact is clear with noise, light, water, vehicle abundance and the documented extreme fire danger. We live right across the street in Oak Park, a housing area in Windsor city limits, this casino and it's impact will loom over us. For these reasons alone I strongly oppose this plan. This project and the wisdom of the B.I.A. to understand this project will impact all who call this place home and their futures.

In the report, under 2:1 it speaks of Purpose and Need for the Koi Nation; this project will hurt the new nation and it's people. The Koi Nation is from Lake County, they are currently in court litigation about people building there and hurting their historical remains there. They did open up an office in Santa Rosa for convenience, a move to sell this project. We in Sonoma County embrace our local tribes and citizens, the Pomo, the Miwok live harmoniously with us all. Bringing in a non local tribe and out of state corporate money to build such a site will be bad blood among the tribes and not good for the newly recognized Koi Nation. The B.I.A. in the past wisdom has not approved such a controversial and big casino in such a suburban zone, we people await your decision.



**From:** Barbara <[bcoen@sonic.net](mailto:bcoen@sonic.net)>  
**Sent:** Sunday, October 15, 2023 10:28 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Koi Development Shiloh - EA Comments

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I object to the subject development. I live nearby and believe the proposed development is bad for the environment, traffic, fire evacuation and many other reasons. Please do not let this happen!

Barbara A. Coen  
411 B Las Casitas  
Santa Rosa, CA 94503

[bcoen@sonic.net](mailto:bcoen@sonic.net)  
797-529-6163

---

**From:** Jim Quinn <[jimq675@gmail.com](mailto:jimq675@gmail.com)>  
**Sent:** Sunday, October 15, 2023 11:56 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,  
PLEASE - NO APPROVAL on Shiloh Resort and Casino!!!!!! NO APPROVAL!!

I live very close to the casino's proposed location at the intersection of Old Redwood Hwy and Shiloh Rd in Windsor. It has always been a very congested area often with heavy traffic. There's a very large residential neighborhood directly across Shiloh Rd from the casino.

As you should know, a HUGE apartment complex is currently under construction directly across the intersection from the casino location. It will open soon and will add 100s of vehicles to this already heavily trafficked area. During the 2017, 2019 and 2020 fire seasons this particular area was clogged with many, many vehicles trying to escape the flames.

PLEASE DO NOT APPROVE THE SHILOH CASINO at the current location. Please encourage the Koi Nation to seek another location.

Thank you for your time and consideration.  
Jim Quinn

**From:** Amanda Claiborne <[shandyite@yahoo.com](mailto:shandyite@yahoo.com)>  
**Sent:** Sunday, October 15, 2023 12:32 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Please don't let this be built.

1. The proposed location is currently vineyards which form a protective barrier between wildfires coming down Shiloh Ridge and the densely populated residential areas on the other side of Old Redwood Highway These vineyards have protected us twice in the last six years.
2. Proposed location (Shiloh Road) is on a narrow two-lane road leading to a county park, off another narrow two-lane road (Old Redwood Highway) that already carries too much traffic.
3. This will hugely increase traffic and noise and light pollution and accidents. There are two senior mobile home parks across the street serving about 350 households and a large low-income housing development being built on that corner. There are already accidents exiting and entering these parks off busy Old Redwood Highway. Can you imagine how many more this will cause? Not to mention the increase in drunk drivers.
4. This will compete with two other Indian casinos (Graton and River Rock) that benefit tribes from our area and will reduce their revenues. The Koi band is from Lake County not Sonoma County and is TINY. This plan is really to benefit outside investors not Indians from Sonoma County. Better this small group should enroll with one of the two tribal casinos already in Lake County.

Sincerely,  
Amanda Claiborne  
266 Colonial Park  
(across Old Redwood Highway from proposed Koi development.

Sent from my iPhone

**From:** Debra <[d\\_avanche@yahoo.com](mailto:d_avanche@yahoo.com)>  
**Sent:** Sunday, October 15, 2023 5:37 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Thank you for the opportunity to comment during the zoom meeting on this Casino project on E Shiloh Rd in Santa Rosa in September. I thought the comments were respectful and heartfelt by the many participants and you were a gracious host.

I would like to add a few more comments in writing to be considered regarding the Environmental Assessment prepared by the Koi Nation and their financial backers. Though it was very extensive, as these usually are, I feel like the conclusions were predictable and not realistic given the site chosen. The drilling of a 700 foot deep well to accommodate the A, B and C proposals is going to have an outsized effect on the private wells we personally maintain. My well is 155 feet deep and, I think its realistic to assume that one dry year could have dramatic consequences for the water table and put our wells at risk. Furthermore, the mitigations mentioned were rather vague and not reassuring that we would be able to be made whole if our wells failed. Combined with the increased tendency for wildfires and the two evacuations in the last 6 years we've had to flee, the absence of adequate water resources due to overuse is not sustainable and frankly freaks me out. Many people commented on the problems with safe evacuations with so many additional cars due to casino use trying to leave. Moreover, the plan for wastewater discharge/disposal is horrifying considering the aquifer and the riparian corridor they refer to in their plan.

To choose the site on E Shiloh Rd for a 24/7 casino operation seems illogical. On no level does this make sense. This is a rural, residential, agricultural, wildlife intensive area. It is serene, Shiloh Regional Park is right east of this proposed property, Esposti Park recreational fields border this site, a church that hosts a weekly food drive borders this site, a senior mobile home site, as well as all of our homes in the Oak Park subdivision and the properties like mine directly across the road from this site. I've heard none of these points will weigh on the decision of whether to put the 65 acres into Sovereign status, but its our community. Its heartbreaking to think we won't see stars or ever have peace and quiet here again.

I said during my public comments that the Koi Nation certainly has been treated unfairly and deserves a home and chance to thrive. But it is Lake County that is their ancestral home, not Sonoma. That is where the project should be sited. And the fact that a corporation from Oklahoma is pushing the project so they can make a huge profit off this casino while upsetting this whole area is not acceptable. Its hard to believe Lake County doesn't have some land available that would suit the Koi tribal needs yet not destroy an entire existing community,

Please do not allow this project to proceed. I hope you personally have been able to actually come here to see what the project intends and what effect it will have. The renditions I have seen from the EA and the video put out by the Koi Nation both misrepresent the actual scope of this project.

Thank you for your time and consideration,

Debra Avanche

127 E Shiloh Rd  
Santa Rosa, CA 95403

Harold Minkin  
807 Dizzy Gillespie Way  
Windsor, CA 95492  
707-837-5696(h)ee  
707-799-6798(c)ee  
haroldminkin6@gmail.com

S-I157

RECEIVED

OCT 10 2023  
DCN: IA00014004  
Executive Secretariat - Indian Affairs (ESIA)

October 4, 2023

Darryl Lacounte  
Bureau of Indian Affairs  
MS - 4606  
1849 C Street, N.W.  
Washington, D.C. 20240

Dear Mr. Lacounte,

Regarding: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

I am writing to you as I am a citizen of Windsor, California. I participated on the zoom call on September 27, 2023 at 6 PM. A majority of the people who were on the call were against having a casino built at the proposed location.

Here are the many issues brought up:

The Koi Nation is from Clear Lake, CA not from Santa Rosa, CA. They are 60 miles from their native lands. No casino has been built in California farther than 15 miles from their native lands.

The land has always been for Residential, agricultural and limited commercial use as mentioned in your EA report. It has Pruitt Creek that runs through the property and floods every year.

The road is only a two lane road and would cause extreme problems for the citizens who live nearby if and when they have a fire, earthquake or other natural disaster. The proposed casino stated in their Environmental Impact report expects to have approximately 2,000 to 5,000 people traveling on Shiloh Road each day. This could be the equivalent of 2500 cars each day.

The U.S Fish and Wildlife Service has stated the endangered Tiger Salamander can be found throughout Windsor, CA. This was in an article on August 31, 2011 from Patch.com.

It has been proven that where there is a casino an increase in crime, drunk driving, accidents and more have substantially increased. Currently Santa Rosa and Windsor police forces are understaffed as well as the Sonoma County Sheriff's Department. Nothing is mentioned about the Koi Nation paying to increase staff to accommodate the increase of people.

During the proposed construction phase lasting from 2023 until the opening date of 2028, the large construction trucks and workers building from 7 am until 5 pm will create a lot of noise, traffic congestion and increase smog in the area.

The needed water of 170,000 gallons per day as mentioned in 2.1.3 in the report would require several wells at a depth of 700 ft. Currently the surrounding wells on homeowners properties, according to those who

spoke on the zoom video, are drying up or are not useable. This brings up many issues, one is where will the casino get the needed water and how will this be done and who will pay for this?

Another item mentioned in the report is that the casino would be located in a "high fire zone". I did not find where the Koi Nation would be building a fire station nearby. Other major concerns are how to get all the people safely evacuated.

Both the council members of Sonoma County, including Santa Rosa and Windsor are opposed to having this casino built. The Graton and Dry Creek Pomo tribes have also stated they are against the casino. Many callers from union construction companies that were told they would be hired by the Koi Nation were the very few in favor of the casino.

I am hoping the Koi Nation decides to do either Alternative C: Non-Gaming Alternative or Alternative D: No Action Alternative

Regards,  
Harold Minkino

CC: Amy Dutschke, Pacific Regional Director  
Chad Broussard, Environmental Protection Specialist  
Deb Haaland, Secretary of the Interior  
Gavon Newsom  
Darryl Lacounte  
Jared Huffman  
Mike Thompson

Harold Minkin  
807 Dizzy Gillespie Way  
Windsor, CA 95492  
707-837-5696(h)  
707-799-6798(c)  
haroldminkin6@gmail.com

October 4, 2023

Amy Dutschke  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Ms. Dutschke,

Regarding: **"EA Comments, Koi Nation Shiloh Resort and Casino"**

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Deb Haaland, Secretary of the Interior  
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October 4, 2023

Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

Dear Mr. Broussard,

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Regards,  
Harold Minkin

CC: Chad Broussard, Environmental Protection Specialist  
Deb Haaland, Secretary of the Interior  
Gavon Newsom  
Darryl Lacounte  
Jared Huffman  
Mike Thompson

**From:** Norah Laffan <[norahlaffan@yahoo.com](mailto:norahlaffan@yahoo.com)>  
**Sent:** Monday, October 16, 2023 12:20 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to plead with you consider the impact that the Koi Nation Shiloh resort and Casino will have on the people that now live in the Larkfield-Wikiup and Windsor communities:

Currently we are very short of water and must ration in the summer

Currently the road (Old Redwood Highway) is small and often over crowded

Adding this large construction to the area will make our lives impossible. Please do something about this potential problem.

Very truly yours,

Norah Laffan

441C Las Casitas

Santa Rosa, CA

**From:** Jim Quinn <[jimg675@gmail.com](mailto:jimg675@gmail.com)>  
**Sent:** Monday, October 16, 2023 1:26 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,  
PLEASE DO NOT APPROVE THE SHILOH RESORT-CASINO!!!

I live in the immediate area. It is a very quiet, long established residential neighborhood. A 24-hour gaming facility would destroy the unique charm and character of this area. It would also create deep resentment among the community towards the Koi Nation that likely would last for generations. Why would the BIA want that?

Plus a huge apartment complex is under construction directly across the intersection from the casino location. That will add daily 100s of vehicles to a severely congested neighborhood especially during wildfire evacuations as we experienced during the 2017, 2019 and 2020 fire storms.

PLEASE encourage the Koi Nation to move this project to a more sustainable and suitable location. Both River Rock and Graton casinos did this and built in large open areas away from long established communities. Why can't the Koi Nation also do this?

The Koi Nation secretly bought the land and then "sprung" this project on an unsuspecting and unknowing neighborhood. That act alone has caused severe distrust of the Koi and irrevocably damaged any good will they once had.

Why would the Koi want that? How can they ever be trusted again at this proposed location? I would have hoped the Koi would have wanted to live in harmony with their neighbors, not sow resentment and anger.

As a retired archaeologist who worked at Sonoma State University for 30 years, the Koi absolutely have NO claim to this portion of Sonoma County!!!!!!

Please encourage the Koi to seek a better and more appropriate location for their casino. Thank you for your time.

Thx!  
Jim Quinn

**From:** Richard Plaxco <[rplaxco@gmail.com](mailto:rplaxco@gmail.com)>

**Sent:** Monday, October 16, 2023 5:57 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] EA COMMENTS, KOI NATION SHILOH RESORT AND CASINO

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

### **DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
- Mitigations are just a bunch of words. Who is going to monitor what they promise? We just got a 300 apartment building at the corner of E. Shiloh & Old Redwood. More residents that will totally add to traffic. Traffic will be horrendous with a casino added!!!
- Urban Wildfire . It took my family 2 hours to get to Hwy 101 during one of our fire evacuations. That is 2 miles. Sounds so scary that we may not be able to evacuate and could get caught in a fire storm. So scary
- Water - I am on a well on E. Shiloh Rd. I have already had to get a new well because it went dry. Now you want to take my water away for a casino. I can't get Windsor sewer hook up.
- Noise 24/7- the casino would be so loud. Trash pickup, ventilation, AC, people, vehicles. Casino said they would give us new windows. Come on, that will not solve the problem. That shows you right there, they know it will be loud. Why do we, in a residential area, have to even be thinking about this!!! I sleep on the second floor and will hear it all.
- What about the drunk drivers that come and go to the casino. What about the crime it will bring. My neighbor is a cop and is constantly going to Graton Casino dealing with crime. So scary to think that a bad person can just walk across the road into my neighborhood. We don't have enough sheriffs and firemen to respond to casino and our town.
- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

### **I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Richard Plaxco  
143 E. Shiloh Rd.  
Santa Rosa, Ca. 95403

Sent from my iPad

Amy Dutschke, Region Director

OCTOBER 15, 2023

Bureau of Indian Affairs, Pacific Regional Office

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD ON E. SHILOH RD. SANTA ROSA, CA**

- I have lived on E. Shiloh for 41.5 years. A casino does not belong where me and my neighbors live.
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- Economy jobs - Windsor business already cannot find enough employees and businesses are closing

**I DO NOT WANT A CASINO IN MY RESIDENTIAL NEIGHBORHOOD**

Richard Plaxco  
143 E. Shiloh Rd.  
Santa Rosa, CA 95403

October 12, 2023

# AMY DUTSCHKE

REGIONAL DIRECTOR  
BUREAU OF INDIAN AFFAIRS, PACIFIC  
REGIONAL OFFICE  
2800 COTTAGE WAY, ROOM W-2820  
SACRAMENTO, CA 95825

RE: Koi Nation Shiloh Resort and Casino

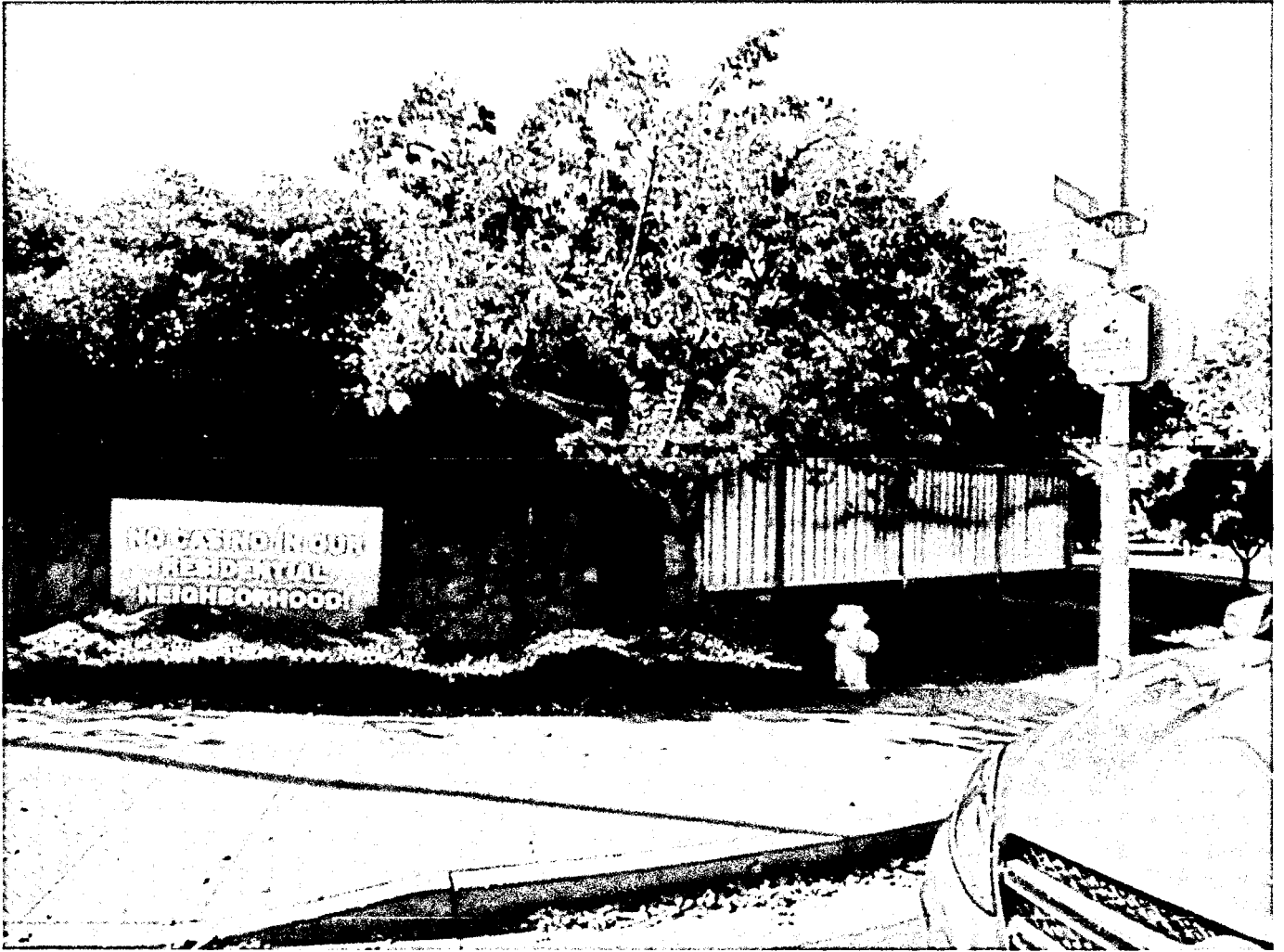
Ms Dutschke:

As a 70-year resident of Sonoma County and nearby neighbor from the Larkfield/Wikiup area, I have witnessed the development of the region of southern Windsor on which the Koi Nation plans to construct a resort and casino. Although I understand the tribe's hope to benefit its people by building a casino, I strongly question the wisdom of the choice of location, which I believe would negatively impact the adjoining neighborhoods, exacerbate traffic, and upset the balance of nature and nearby residential populations.

I oppose the proposed location of this casino, and request reconsideration for the benefit of preserving the current bucolic setting and peaceful neighborhood.







Sincerely,

*Pietrina Cargile*

PIETRINA CARGILE  
4585 OLD REDWOOD HWY  
SANTA ROSA, CA 95403  
(707)478-4269



October 12, 2023

# AMY DUTSCHKE

REGIONAL DIRECTOR  
BUREAU OF INDIAN AFFAIRS, PACIFIC  
REGIONAL OFFICE  
2800 COTTAGE WAY, ROOM W-2820  
SACRAMENTO, CA 95825

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Sincerely,

*Pietrina Cargile*

PIETRINA CARGILE  
4585 OLD REDWOOD HWY  
SANTA ROSA, CA 95403  
(707)478-4269

Amy Dutschke, Region Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way,  
Room W-2820  
Sacramento, CA 95825

**RE: EA Comments, Koi Nation Shiloh Resort and Casino**

**Dear Ms Dutschke,**

My name is Laurie Landry, I live at 5830 Leona Ct in Windsor, just off Shiloh Rd. My family and I moved into the Oak Park Subdivision in July of 1988. The second occupied home of the, then new and up coming, subdivision. Oak Park consists of 70 homes. Our only outlet is Shiloh Road, and sits directly across from, what is currently a beautiful vineyard, now the proposed site of the Koi Nations Resort and Casino. Today is Oct 9, 2023 on this date 2017 the Tubbs fire blew in from Napa Valley over the hills and ravaged homes, businesses and lives. All these years later people are still trying to rebuild. What really made the news was an area of Santa Rosa called Coffey Park. What didn't make the news was Larkfield and Wikiup. This area is on the South side of the proposed property site and sustained substantial damage in the Tubbs fire. In fact the fire did burn down into the Shiloh Regional Park off of Faught Road to the East of the property. I've enclosed a photo off the red glow I saw over Wikiup as I was leaving my home at 2 am. At 2 am, awakened from a sleep you aren't aware of what is going on, you don't grasp the totality of what you hear and see. Now for just one moment put yourself in a five (5) story resort, sound asleep or passed out from drinking all day, or just tired, awakened, or in a full wrap massage in the spa, and are told there is a fire baring down and you have to leave, now. You have to make it out of the hotel, and in the dark find your car amongst thousands in parking lot. Ash and red embers are raining down on you. You're scared, people are panicking, some are drunk or impaired and making poor decisions. There are busses. Everyone is trying to file out of a parking lot with only one driveway in and out. You exit is on to Old Redwood Hwy, an old 2 lane road. All you see are headlights of cars coming from the residents who are also trying to evacuate.

Old Redwood Hwy, won't be widened. There are 2 mobile home parks directly across the street as well as a Church, and homes that abut the property in question. Shiloh Rd won't be widened there are homes that sit right on the road. Must I say more, I suppose I do, the same goes for Faught Road. All two lane country roads, that during a fire are our only way out. The Tubbs fire wasn't our only fire. In 2019 the Kinkade fire came roaring down from the north along the hills, luckily we were all evacuated, only a few homes, were lost and damaged not the devastation that we saw with the Tubbs fire,(we learned) and with all of us gone they were able to stop the fire at Shiloh and Faught,

It's not a matter of if there will be another fire, its a matter of when. If the Koi Nation is allowed to build this Resort and Casino, people will die. They will die in their cars trying to get out the parking lot, they will die on the road in a log jam of cars or they will die on the property trying to find an alternate way out, and there won't be one. A Casino/Resort should not be built here. Are you will to make that call, will that decision by on the head of the BIA? The news headlines will be asking how this happened yet again. More people die in a fire, could this have been prevented? Yes it can and you and the BIA can save the Koi Nations guests and the residents of Windsor a terrible disaster in the future by not allowing any building on this land.

I am pleading with you to keep this property as agricultural land use only. The Koi Nation has been offered another piece of property better suited for their needs. We ask that they consider it and that the BIA realize that putting a Casino Resort in the middle of subdivisions is the

wrong place. Shiloh Road, Faught and Old Redwood Hwy, is where kids wait for the school bus, and workers wait for the City Bus. Those are roads we the neighbors use to get to work, Dr. Appointments, grocery stores, schools, and where kids ride bikes and visit friends. The neighborhoods are where we seek our refuge at the end of the day. We are families, retirees and we have established lives in this area that will not be benefited by a Casino. Instead it will be greatly impacted by noise, traffic and an unwanted lifestyle of gambling that doesn't belong in neighborhoods and by our two elementary schools, and local High School.

We want to come home to our families and enjoy a good night sleep, want to play outside, ride our bikes, walk our dogs. We don't want hear cars, and busses coming and going in and out of a casino, loud entertainment, or have bright lights on all night.

I have read up on the Koi Nation, and it appears that the have refused land in their native area of Lake County 3 times. I'm sorry that they lost their land to a lake, but it does seem that they are in Litigation against a development in Lake County now. So I'm confused as to why the need to build a casino and resort here in Sonoma County so far from their native lands.

We have to large casinos already, Graton Rancheria in Rohnert Park, CA A 4 Diamond Resort by AAA standing just 15 miles south of Windsor. When built in 2013 the traffic clogged the 101 freeway and all side roads. And it was built in a cow pasture surrounded by cow pastures. It was also able to create aa 4 lane direct road from casino to freeway. Something that will never happen here in Windsor.

River Rock Casino and Resort is 20 miles to our North, set on a hilltop overlooking beautiful vineyards and multiple wineries. Beautiful ride in the country. Not a drive through a neighborhoods.

I've enclosed a few maps and the photo of what I saw the night of the Tubbs fire. Please consider keeping this land as agricultural land use only, it is what the county set it up for and serves a fire brake.

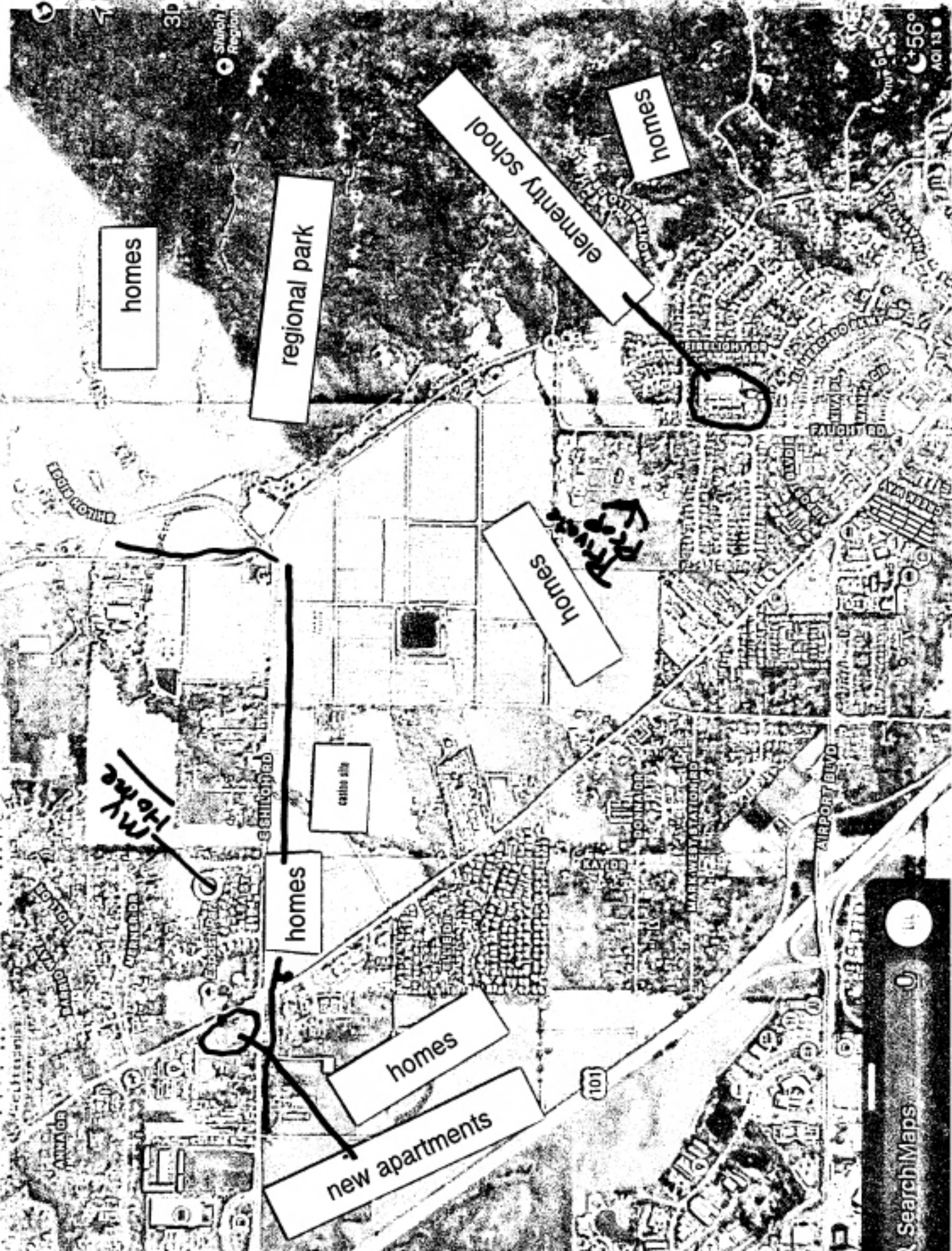
Thank you for your time and consideration

Laurie Landry  
5830 Leona, Ct  
Windsor, CA 95492  
7074801351

A dark, grainy photograph of a night sky. In the upper left, a dark, angular shape suggests a house or roofline. The sky is filled with several bright, circular spots of light, likely stars or distant galaxies. The overall image has a high-contrast, low-light aesthetic.

2019  
fire over Wikiup

view from my driveway at Chris and Leona CT



homes

regional park

elementary school

homes

homes  
*Private*

cell site

homes

*Mike Home*

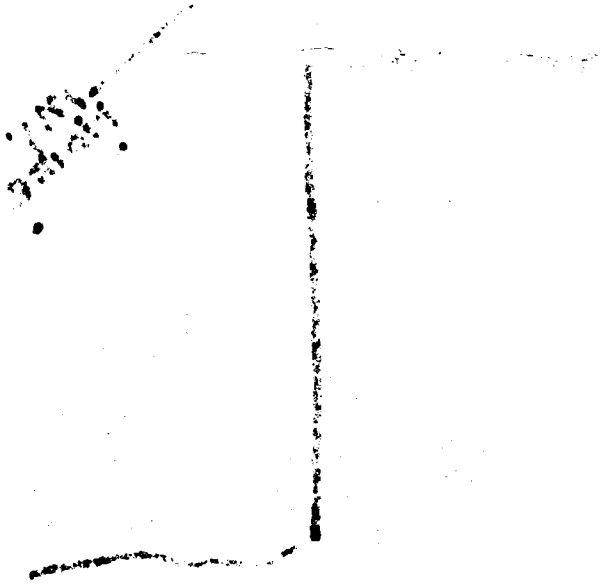
homes

new apartments

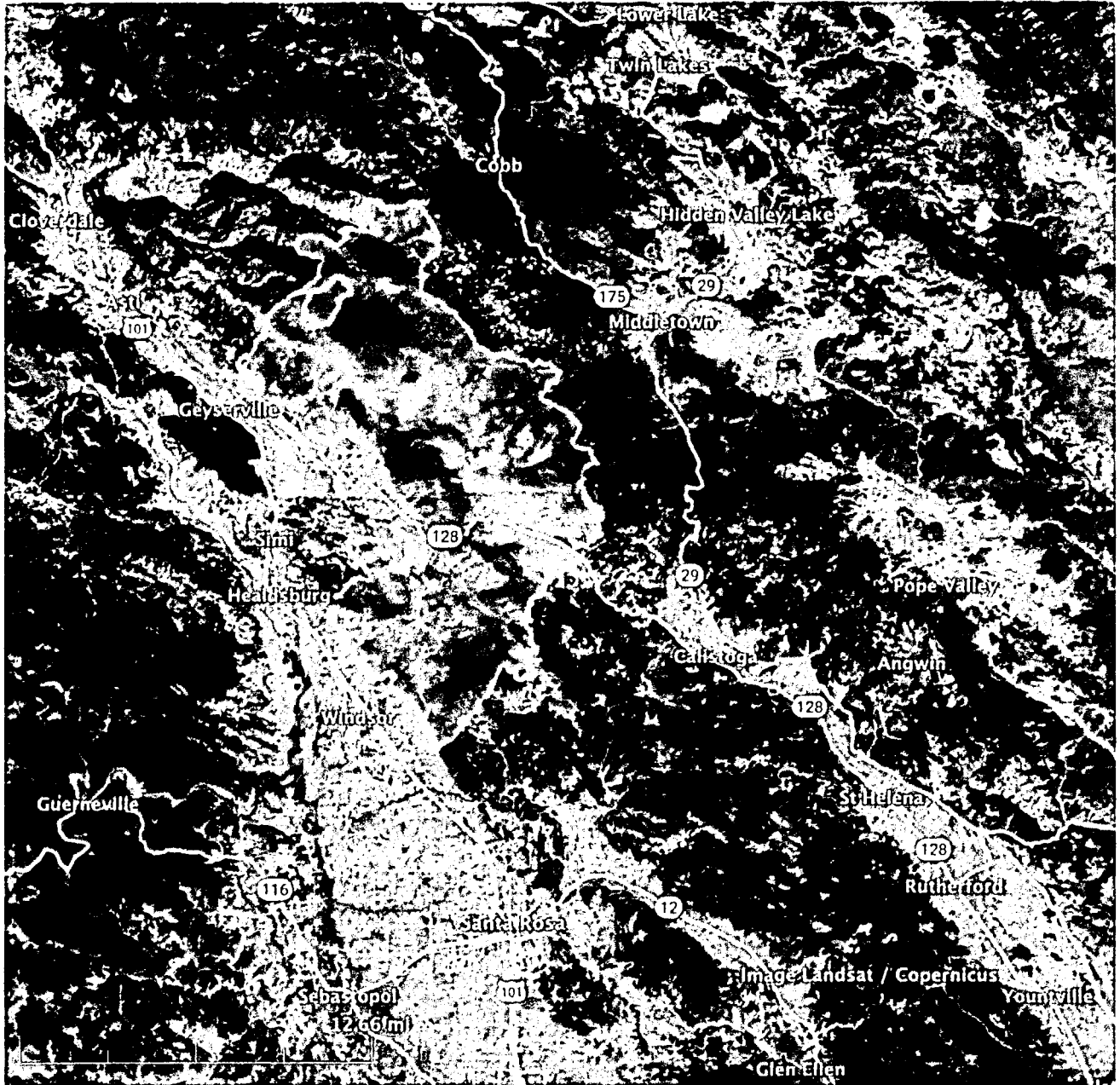
101

SearchMaps

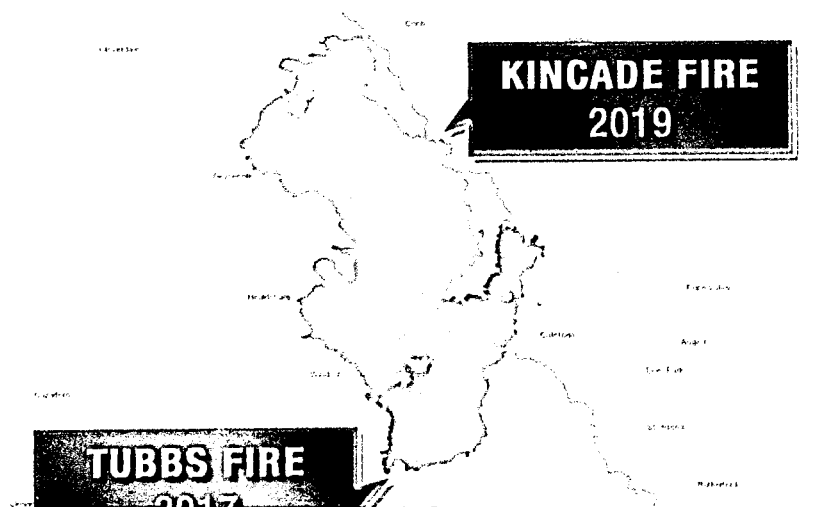
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AOL 13



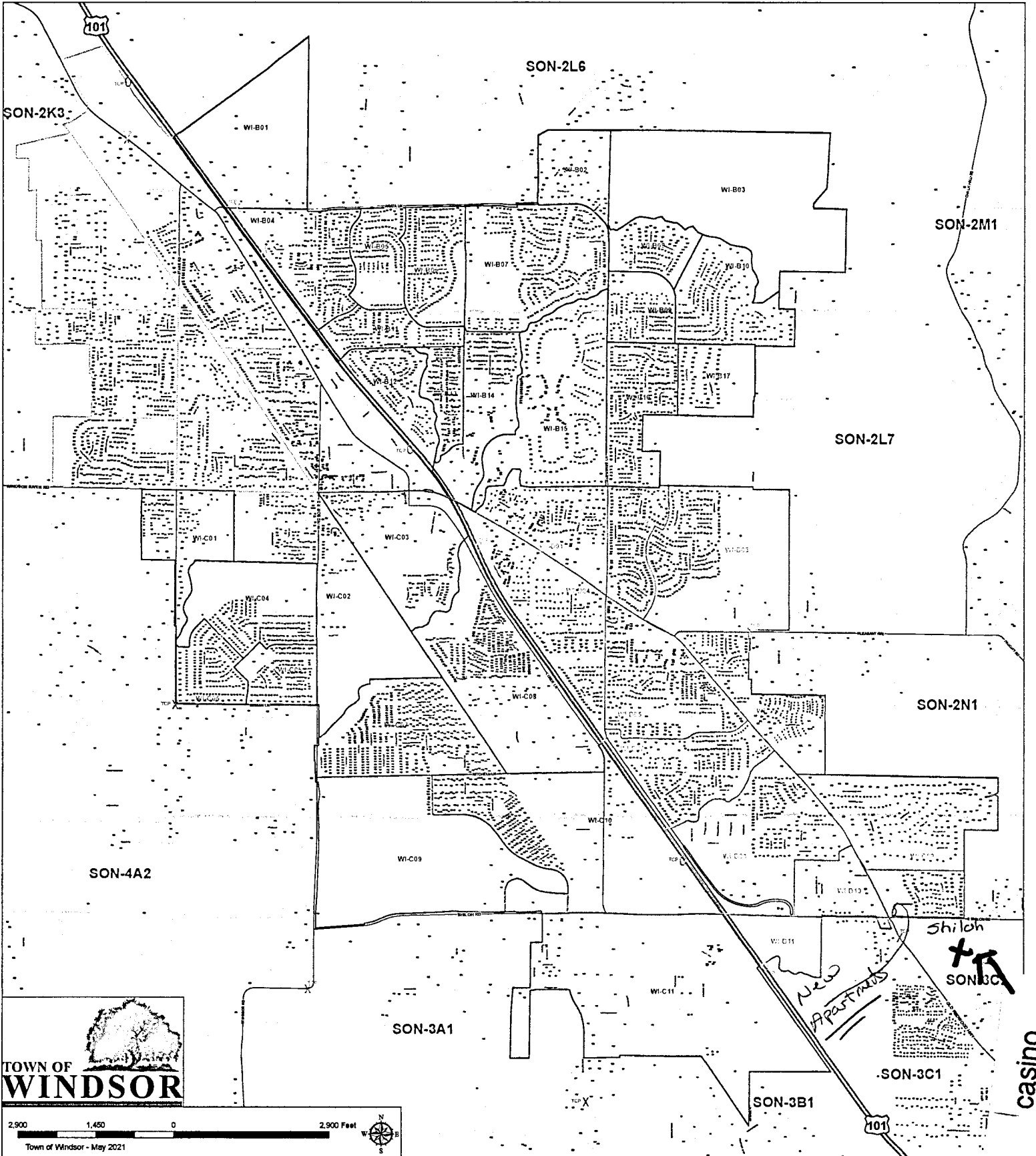




Kincadee Fire map, final, November 9, 2019.



# WINDSOR EVACUATION SUB-ZONES



*all dots are homes*

Amy Dutschke, Region Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way,  
Room W-2820  
Sacramento, CA 95825

**RE: EA Comments, Koi Nation Shiloh Resort and Casino**

**Dear Ms Dutschke,**

My name is Laurie Landry, I live at 5830 Leona Ct in Windsor, just off Shiloh Rd. My family and I moved into the Oak Park Subdivision in July of 1988. The second occupied home of the, then new and up coming, subdivision. Oak Park consists of 70 homes. Our only outlet is Shiloh Road, and sits directly across from, what is currently a beautiful vineyard, now the proposed site of the Koi Nations Resort and Casino. Today is Oct 9, 2023 on this date 2017 the Tubbs fire blew in from Napa Valley over the hills and ravaged homes, businesses and lives. All these years later people are still trying to rebuild. What really made the news was an area of Santa Rosa called Coffey Park. What didn't make the news was Larkfield and Wikiup. This area is on the South side of the proposed property site and sustained substantial damage in the Tubbs fire. In fact the fire did burn down into the Shiloh Regional Park off of Faught Road to the East of the property. I've enclosed a photo off the red glow I saw over Wikiup as I was leaving my home at 2 am. At 2 am, awakened from a sleep you aren't aware of what is going on, you don't grasp the totality of what you hear and see. Now for just one moment put yourself in a five (5) story resort, sound asleep or passed out from drinking all day, or just tired, awakened, or in a full wrap massage in the spa, and are told there is a fire baring down and you have to leave, now. You have to make it out of the hotel, and in the dark find your car amongst thousands in parking lot. Ash and red embers are raining down on you. You're scared, people are panicking, some are drunk or impaired and making poor decisions. There are busses. Everyone is trying to file out of a parking lot with only one driveway in and out. You exit is on to Old Redwood Hwy, an old 2 lane road. All you see are headlights of cars coming from the residents who are also trying to evacuate.

Old Redwood Hwy, won't be widened. There are 2 mobile home parks directly across the street as well as a Church, and homes that abut the property in question. Shiloh Rd won't be widened there are homes that sit right on the road. Must I say more, I suppose I do, the same goes for Faught Road. All two lane country roads, that during a fire are our only way out. The Tubbs fire wasn't our only fire. In 2019 the Kinkade fire came roaring down from the north along the hills, luckily we were all evacuated, only a few homes, were lost and damaged not the devastation that we saw with the Tubbs fire,(we learned) and with all of us gone they were able to stop the fire at Shiloh and Faught,

It's not a matter of if there will be another fire, its a matter of when. If the Koi Nation is allowed to build this Resort and Casino, people will die. They will die in their cars trying to get out the parking lot, they will die on the road in a log jam of cars or they will die on the property trying to find an alternate way out, and there won't be one. A Casino/Resort should not be built here. Are you will to make that call, will that decision by on the head of the BIA? The news headlines will be asking how this happened yet again. More people die in a fire, could this have been prevented? Yes it can and you and the BIA can save the Koi Nations guests and the residents of Windsor a terrible disaster in the future by not allowing any building on this land.

I am pleading with you to keep this property as agricultural land use only. The Koi Nation has been offered another piece of property better suited for their needs. We ask that they consider it and that the BIA realize that putting a Casino Resort in the middle of subdivisions is the

wrong place. Shiloh Road, Faught and Old Redwood Hwy, is where kids wait for the school bus, and workers wait for the City Bus. Those are roads we the neighbors use to get to work, Dr. Appointments, grocery stores, schools, and where kids ride bikes and visit friends. The neighborhoods are where we seek our refuge at the end of the day. We are families, retirees and we have established lives in this area that will not be benefited by a Casino. Instead it will be greatly impacted by noise, traffic and an unwanted lifestyle of gambling that doesn't belong in neighborhoods and by our two elementary schools, and local High School.

We want to come home to our families and enjoy a good night sleep, want to play outside, ride our bikes, walk our dogs. We don't want hear cars, and busses coming and going in and out of a casino, loud entertainment, or have bright lights on all night.

I have read up on the Koi Nation, and it appears that the have refused land in their native area of Lake County 3 times. I'm sorry that they lost their land to a lake, but it does seem that they are in Litigation against a development in Lake County now. So I'm confused as to why the need to build a casino and resort here in Sonoma County so far from their native lands.

We have to large casinos already, Graton Rancheria in Rohnert Park, CA A 4 Diamond Resort by AAA standing just 15 miles south of Windsor. When built in 2013 the traffic clogged the 101 freeway and all side roads. And it was built in a cow pasture surrounded by cow pastures. It was also able to create aa 4 lane direct road from casino to freeway. Something that will never happen here in Windsor.

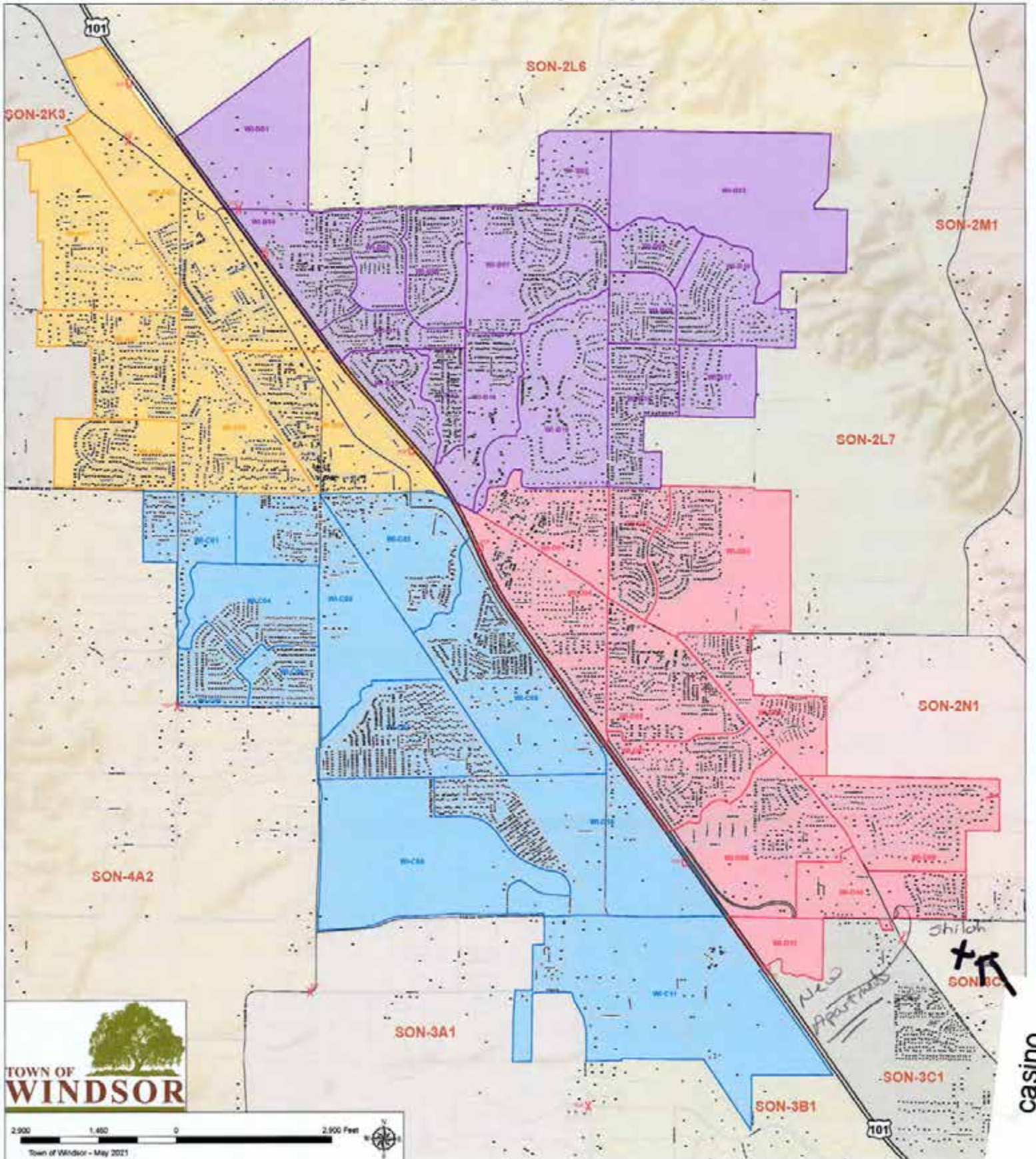
River Rock Casino and Resort is 20 miles to our North, set on a hilltop overlooking beautiful vineyards and multiple wineries. Beautiful ride in the country. Not a drive through a neighborhoods.

I've enclosed a few maps and the photo of what I saw the night of the Tubbs fire. Please consider keeping this land as agricultural land use only, it is what the county set it up for and serves a fire brake.

Thank you for your time and consideration

Laurie Landry  
5830 Leona, Ct  
Windsor, CA 95492  
7074801351

# WINDSOR EVACUATION SUB-ZONES



all dots are homes

casino



*2019*  
fire over Wikiup

view from my driveway at Chris and Leona CT

new apartments

homes

homes

casino site

my home

homes

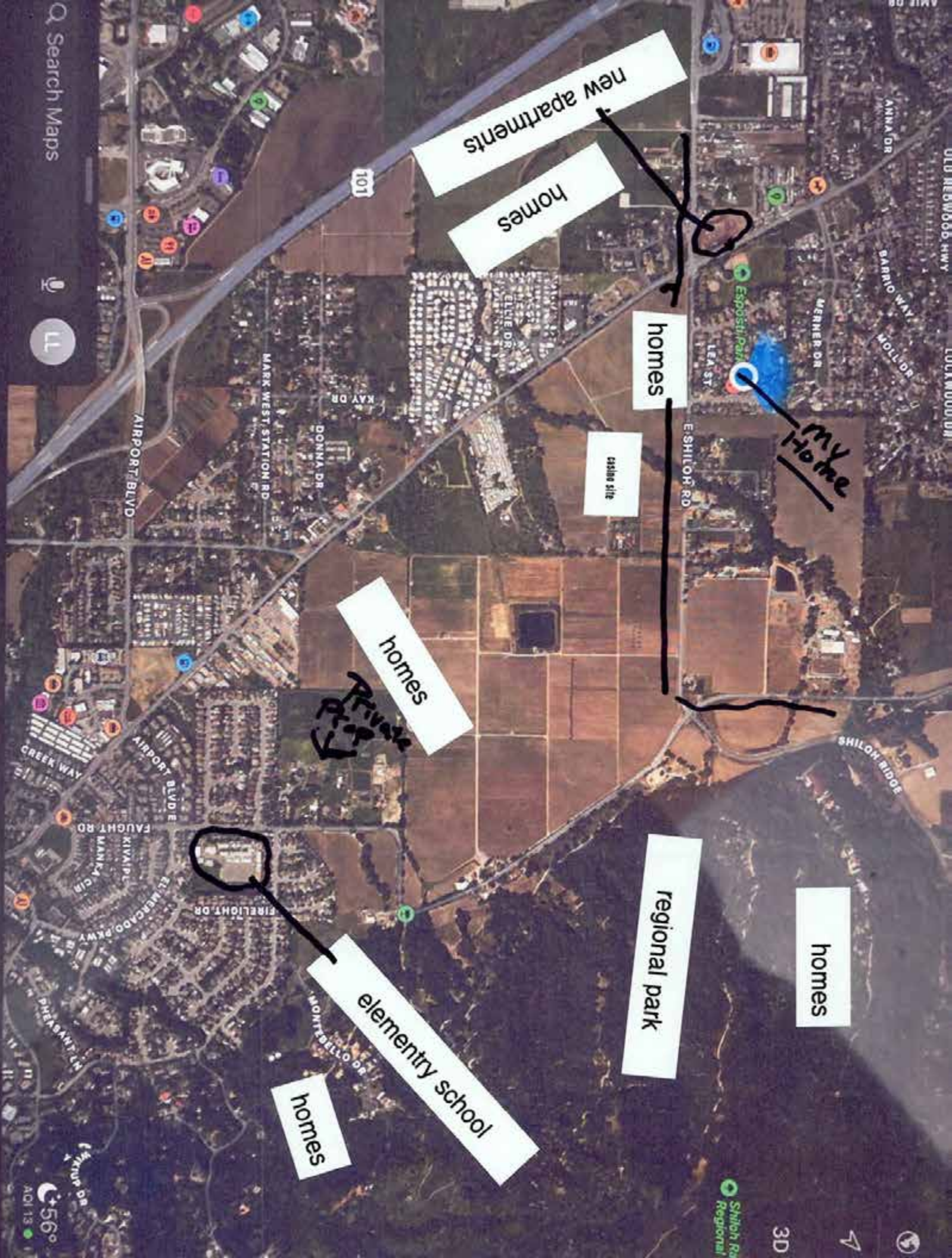
Private Prop

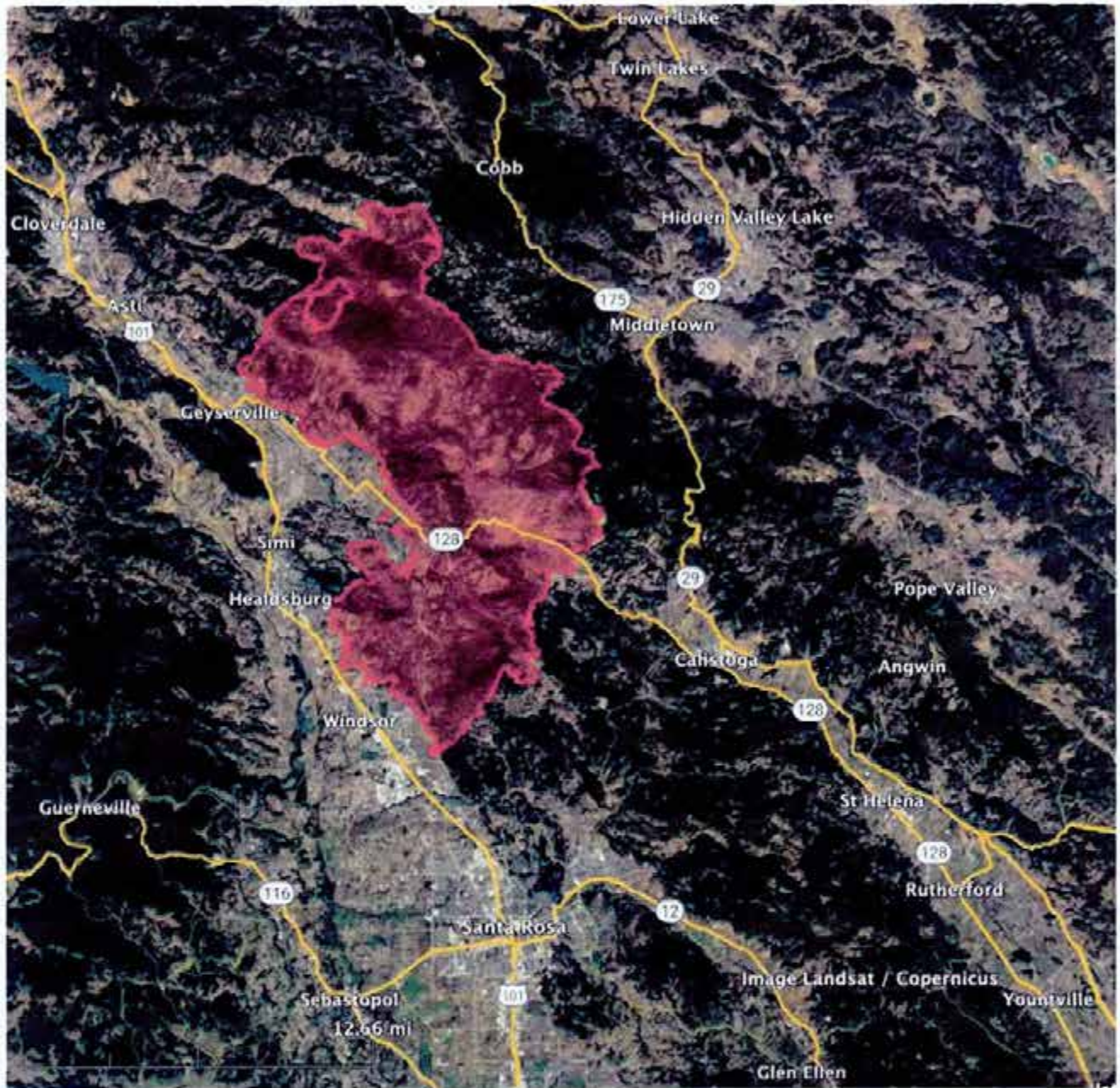
regional park

homes

elementary school

homes





*Kincadee Fire map, final, November 9, 2019.*





**From:** Claudia Volpi <[vavolpi@icloud.com](mailto:vavolpi@icloud.com)>  
**Sent:** Thursday, October 19, 2023 7:08 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort + Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Mr. Broussard,

I am writing to communicate my strong opposition to this Casino in our neighborhood. Beyond the fact that this tribe has no legitimate claim to this land, there is the undeniable fact that the residential tract of East Shiloh Road is already in dire straits every time there is a wildfire evacuation- which the EA discusses with a greater focus for the area immediately around the casino to the West, neglecting the areas to the East. Residents of Shiloh Ridge, Crest, Shiloh Oaks (Shiloh Estates) and the Mayacama Club as well as many on Faught Road and Chalk Hill Road, are constrained to one way out: Shiloh Road. Adding 2-5,000 others to this path is dangerous and negligent.

My other concerns are water, traffic, public safety, noise and light pollution and the impact on the wildlife that lives in the Shiloh Recreation area and the mountains across the street from the casino.

There are already constraints on our water usage- where will the water for the casino come from? How could the town of Windsor and the state approve this project when there are two other casinos within 50 miles of this one in areas that are NOT residential?

Your EA states that the project would have a less than significant effect on traffic and transportation with mitigation incorporation. Are you going to build more roads? Where? How do you mitigate the fact that there is ONE ROAD for us all to use along with the casino traffic? Already there have been injuries caused as a result of people using Faught Road as a back up to get to Old Redwood Hwy- it is not meant for high volume traffic.

This is a residential neighborhood where we enjoy nature in the Shiloh Recreational Area and the many animals that live in and around our neighborhood. To say that we and they will be minimally impacted is a farce. The human and automotive traffic and the waste that will be created by the Casino will have a huge impact on the environment. The noise and light will impact our views and enjoyment of our homes and will most definitely impact the wildlife.

A casino in a quiet residential neighborhood will most definitely impact public safety and change the character of the neighborhood. Casinos bring all kinds of visitors as well as an increase in the rate of crime, driving under the influence, violence and should not be located near schools and children- which are in close proximity to the proposed location of this casino.

This project seems to be a masked attempt by organized crime to use yet another front of a Native American tribe to grab land and profit with disregard to the neighbors and community in which they operate. I am not opposed to casinos, but I am opposed to them being placed in a

residential neighborhood.

Sincerely,

Claudia Volpi  
7300 Shiloh Ridge Road

**From:** Elizabeth Acosta <[acostalcs@gmail.com](mailto:acostalcs@gmail.com)>  
**Sent:** Thursday, September 28, 2023 5:55 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,  
I attended the public hearing your office held last night; I intend to submit written comments but in my review thus far of the EA I am finding a multitude of areas which beg for rebuttal and correcting faulty assumptions.

**I am urging the US Bureau of Indian Affairs to grant a 60-day extension to the deadline for public comment.** Even as we are all working diligently to meet the October 27 deadline, we fear that without ample time to adequately address each faulty evaluation and conclusion in this report, the BIA will make an ill-informed and irreversible decision. As this decision has permanent impacts, please allow our community this relatively brief period to ensure every and all facts are made available to decision-makers.

Regards,  
Elizabeth Acosta

October 9, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, California 95825

Re: EA comments,  
Koi Nation Shiloh Resort  
and Casino

Frances Soiland  
7000 Shiloh Ridge  
Santa Rosa, Calif  
95403

TO WHOM IT MAY CONCERN

My husband and I moved to the Shiloh area over 33 years ago. It has been a lovely place to raise a family relax and enjoy the area that has been created here. The nearby park (Esposti Park) has been a very active place for the kids, and adults. The other park is the Regional Park where people can hike, ride their bikes, ride their horses to a lake at the top of the mountain, or just have a picnic. Open year round. Both parks easily accessible from all around this area.

CONCERN

There have been two major fires in this area in the last five years. (We were evacuated two times with notice from the fire department—twice when there was a chance of another fire tragedy and we chose to leave with our pets) The street was very busy and luckily most everyone got out but there were some buildings burned in one of the fires. Now even if the existing street were made wider the additional traffic from the casino site would probably block exiting homeowners in the area. It also would take a lot of the man power away from existing structures in surrounding neighborhoods and would be using a major portion of the water supply.

WATER

As we are now the vineyards take a lot of the water that is available in this area and, I believe, reduces some of the water power in the process. Another drain on the system does not sound like a good idea.

## CASINO SITE

The big question in my mind is why another casino here when there are two other casinos (one in Geyserville—one in Rohnert Park—each within 30 minutes of this site). Some years ago I lived in <sup>PNd</sup> owned a home in Rohnert Park. Since the casino went in there crime has increased considerably, traffic has increased substantially and prostitution is a considerable problem. It seems that the local police have no jurisdiction over what happens at the casinos. WHY WOULD ANYONE WANT TO INFLICT THIS ON A QUIET FAMILY NEIGHBORHOOD. There must be other open land in Sonoma County that would (or could be) some distance from family neighborhoods.

I can't believe the KOI people are the ones who are pushing this. I understand their ancestral home is in Lake County. This seems to be the logical location for them. I attended schools in Lake County and had some Indian friends and found them to be very nice people.

My prayer would be that you find another location where these people can have an income but also "pride of ownership" or as least, some acknowledgement.

God Bless,

*Frances Soiland*

Frances Soiland

7000 Shiloh Ridge

Santa Rosa, California

95403

October 5, 2023

Amy Dutschke, Regional Director  
Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
RE: EA Comments, Koi Nation Shiloh Resort and Casino

Dear Ms. Dutschke:

We have lived in the Town of Windsor for 8 years, approximately ½ mile from the proposed Koi Shiloh Resort project in Oak Creek housing development. We spent last evening listening to every comment made during the Environmental Assessment Public Hearing and it was heartbreaking to hear the fear from members of our community regarding the proposed destruction of our way of life and our safety. We must add our extreme opposition to this project. We echo all the objections made at the public hearing regarding this project but emphasize the following:

- **Wildfire Evacuation** – This cannot be emphasized enough. We have lived through the evacuations of both the Tubbs Fire and the Kincade Fire and know first hand how dangerous and scary it is. We live in an area surrounded by extreme, very high and high wildfire risk. This project would replace the vineyard, which is a natural fire break, with a casino, hotel, spa, event center that would increase the fire risk. We are aware that another wildfire in our area is when, not if, and we know the tragic consequences of inadequate evacuation routes from the Paradise Fire and the Maui Fire. Adding a project of this size to our already stressed two lane roads would very likely cause gridlock and a real potential for loss of life robbing us of our peace of mind and causing constant fear for our safety in our own homes.
- **Traffic** –As mentioned, Shiloh and Old Redwood Highway are 2 lane roads. A large apartment building is currently under construction at the corner of Shiloh and Old Redwood Highway and more developments are currently under consideration in that area. The stretch of Shiloh Road between Old Redwood Highway and the freeway onramps is already so congested that at times one must wait for several light changes before being able to cross the intersection at Hembree Lane. The addition of the traffic from this project is simply unmanageable.
- **Safety** – Additional vehicle traffic will increase the safety risk for the children and their families that play at and attend games at the park/ballfield located almost directly across the street from the proposed entrance to the project.
- **Pollution/Air Quality** – The construction, ongoing operation and additional emissions from vehicles attending the proposed casino/event center will cause more pollution endangering the health of local residents and wildlife.

The proposed site is not in a commercial area. It is in an agricultural, residential area where families and retired live, children go to school and play in the park, wildlife live, and we all enjoy the incredible natural beauty of this area.

We support the Koi Nation's ability to better itself economically and promote the welfare of their people but this location is **absolutely not the right location** for this project. We wholeheartedly request that you implement **Alternative D, no action**.

Sincerely,

A handwritten signature in blue ink, appearing to be 'S. Marcelino', written over the word 'Sincerely,'.

Karen Marcelino

Stephen and Karen Marcelino  
6250 Lockwood Drive  
Windsor, CA 95492

October 4, 2023

Amy Dutsche - Regional Director

The Koi Nations proposal to construct a casino in Windsor is a project that will have a negative impact rather than positive one. The additional demand on water resources is one of many major concerns. The hundreds of gallons a day the site would require is incredibly substantial in a county that has not yet fully emerged from a years long drought.

The proposed construction site borders an established residential community and two senior mobile home parks. Nearby residents would experience an enormous increase in noise and traffic. There is also the sites potential in attracting undesirables which would subsequently lead to a rise in crime. This would undoubtedly jeopardize these safe and quiet neighborhoods.

Sonoma County has two existing gaming houses -River Rock Casino and Graton Rancheria - the construction of neither has infringed on established neighborhoods. The Koi Nations project however would put the casino right next door to residentially/agriculturally zoned land.

To allow the building of this casino by a tribe with an unsubstantiated claim to the land in question would set a precedent. Indigenous or not who would be next in line to claim Sonoma County land as their own.

There has been tremendous opposition to the Koi Nations proposal. The Sonoma County Board of Supervisors, the Mayor of Windsor and its Town Council object. State Senators, Representatives as well the five indigenous tribes of Sonoma County have all voiced objection.

If a vote were taken today it is almost certain that an overwhelming majority of Sonoma County ballots would say no.

There is no doubt the Koi Nation deserve land of their own but closer to the tribes established roots which do not include 222 E. Shiloh Road in Windsor.

Respectfully,

Debra M. Marincik  
68 Ellie Drive  
Santa Rosa, CA 95403



September 29, 2023

Amy Dutschke, Region Director  
Bureau of Indian Affairs  
Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825


**SUBJECT: EA Comments, Koi Nation Shiloh Resort and Casino**

Please note my vehement objection to allowing a casino to be built in in the middle of my a residential area in Windsor, California. It is clear that the Environment Assessment is a weak and unsubstantiated document designed to check the box and move this project forward with no regard for the actual impact on community and public safety.

- The Koi Nation has no historical roots to Sonoma County. The proposed site is 49 miles from their original reservation. Never has the Department of Interior taken restored lands into trust farther than 15 miles from their original rancheria. This would certainly open up a can of worms by setting a new precedent.
- There are NO casinos in the whole state of California where a casino has been allowed to be built in the middle of a residential area not to mention being next to an elementary school and several churches.
- The current vineyard that would be ripped out to accommodate this casino serves as a fire break from historical fire/wind tunnels that in 2017 destroyed 2500+ homes in nearby Larkfield and Santa Rosa.
- The roads leading to the proposed casino are two lanes and cannot possibly support the increase in traffic. During the 2019 fires when we had to evacuate, it took one to two hours to reach Highway 101. It was complete gridlock. Can you imagine having 20,000 more cars trying to escape a fiery death. It isn't a question of "if" but "WHEN" they next wildfire occurs.
- Water is also a huge concern as wells have been drying up from historical droughts we've experiences over the last decade. Can we really support a 540,000-square-foot casino with 2,750 gaming machines, five restaurants, five bars, a coffee shop, a 2,800-seat event center and two ballrooms, plus an adjacent 400-room hotel and spa. Less than two years ago we were not allowed to water our yards and asked to reduce consumption by 25%. Where is the water supposed to come from?

As a resident who lives across the street from where this proposed casino would be built, my property values will be drastically and negatively affected. The noise, the traffic, the light pollution, the inevitable crime rate that would escalate would make life unbearable. PLEASE do not let this land go into trust and ruin our way of life in Windsor. Please.

Sincerely,



Barbara Collin  
224 Lea Street  
Windsor, CA 95492

**From:** Chaaban, Ezra <[Ezrah.Chaaban@sen.ca.gov](mailto:Ezrah.Chaaban@sen.ca.gov)>  
**Sent:** Friday, October 20, 2023 1:05 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Comment Letter: Koi Nation Shiloh Resort & Casino Project -- Oppose

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Mr. Broussard,

Please find the attached letter from Senator Dodd regarding the Environmental Assessment and Draft Conformity Determination for the Koi Nation of Northern California Shiloh Resort and Casino Project.

Thanks for your time and consideration of the comments.

Best,

Ezrah

---

**Ezrah J. Chaaban, Esq.**

Chief of Staff

Senator Bill Dodd

District 3 | Representing: Solano, Sonoma, Napa, Yolo, Contra Costa, and Sacramento Counties  
(916) 651-4003 | [ezrah.chaaban@sen.ca.gov](mailto:ezrah.chaaban@sen.ca.gov)

*[Click Here](#) to Sign-up for Senator Bill Dodd's E-Updates!*

STATE CAPITOL, ROOM 5064  
SACRAMENTO, CA 95814  
TEL (916) 651-4003  
FAX (916) 651-4903

# California State Senate

**BILL DODD**

SENATOR, THIRD DISTRICT



CHAIR: SENATE GOVERNMENTAL ORGANIZATION COMMITTEE

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BUSINESS, PROFESSIONS AND  
ECONOMIC DEVELOPMENT  
VETERANS AFFAIRS  
SELECT COMMITTEE  
CALIFORNIA'S WINE INDUSTRY  
CO-CHAIR

October 20, 2023

Amy Dutschke  
Regional Director Bureau of Indian Affairs, Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825  
Via email to [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

**RE: ENVIRONMENTAL ASSESSMENT AND DRAFT CONFORMITY DETERMINATION FOR THE KOI NATION OF NORTHERN CALIFORNIA SHILOH RESORT AND CASINO PROJECT – OPPOSITION**

Dear Director Dutschke,

As a Senator representing Sonoma County, I write to echo the position of the U.S. Senators, U.S. Representatives, tribal governments and local elected officials in Sonoma County in opposing the allowance of a new casino contiguous to the Town of Windsor.

The Department has provided standards for “significant historical connection” and simply put, those standards have not been met relative to the Koi Nation’s proposed site in Sonoma County, and the Department should accordingly reject the application. The Koi Nation’s ancestral homelands are over 50 miles away in the Lower Lake area of Lake County.

As the County of Sonoma notes in the unanimously passed resolution from its Board of Supervisors, “The five federally recognized Sonoma County based tribes (Cloverdale Rancheria, Dry Creek Rancheria, Lytton Rancheria, Stewart’s Point Rancheria, and the Federated Indians of the Graton Rancheria) each sent the Board of Supervisors a letter or tribal resolution expressing unanimous opposition to the Koi Nation’s proposal that the Department of the Interior to accept the Subject Land into trust for gaming purposes due to the Koi Nation’s lack of significant historical connection to the Subject Land.”

I respectfully request that you thoroughly review the objections raised and fairly and reasonably apply the Department’s existing standards, and reject the project. Thanks you for your consideration of the foregoing comments. Please reach out to my office if you need further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Bill Dodd".

Bill Dodd  
Senator, District 3

cc The Honorable Deb Haaland, Secretary of the Interior

**From:** DINAH COSTELLO <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Sent:** Sunday, October 22, 2023 4:24 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** WINDSOR <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort & Casino

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Chad Broussard  
Environmental Protection Specialist  
Bureau of Indian Affairs, Pacific Region  
2800 Cottage Way, Sacramento, CA 95825

Dear Mr Broussard,  
This is a follow up to my recent letter. The attached October 20 Lake County newspaper article is further proof that the Koi Nation is a Lake County tribe that has no historic or legal claim to land in Sonoma County. We appreciate your consideration in this matter.

Sincerely,  
Dinah Costello  
Windsor, CA

Sent from my iPad

Begin forwarded message:

**From:** DINAH COSTELLO <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Date:** October 21, 2023 at 2:43:34 PM PDT  
**To:** WINDSOR <[haviceprin@aol.com](mailto:haviceprin@aol.com)>  
**Subject:** Lake County News,California - Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

<https://lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>

Sent from my iPad

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## Clearlake sets aside half a million dollars to defend against tribal lawsuits over city projects

ELIZABETH LARSON    POSTED ON FRIDAY, 20 OCTOBER 2023 01:34    [f](#)   [t](#)   [G+](#)   [in](#)   [p](#)   20 OCTOBER 2023



LAKE COUNTY, Calif. — The Clearlake City Council has approved increasing the funding the city will devote to defending itself against legal challenges involving major park and road projects filed by the Koi Nation tribe, with one of those cases set to go to trial on Friday.

At its Oct. 5 meeting, the council was unanimous in approving the request from City Manager Alan Flora to double the city's expenditures with the Downey Brand law firm from \$250,000 to \$500,000.

In his written report for that council meeting, Flora said the legal contract was primarily for the purpose of defending the city against "the recent onslaught by the Koi Nation to challenge all economic development projects in the City of Clearlake."

The tribe, whose traditional territory includes the city of Clearlake and Lower Lake, sued in March to halt the city's projects for the 18th Avenue extension, which is related to a new hotel development.

It filed another suit in July regarding the Burns Valley sports complex and recreation center project, alleging the city has not conducted state-required consultation with its tribal government.

Koi Vice Chair Dino Beltrans did not respond to a message requesting comment for this story.

In December, Congressman Mike Thompson secured \$2 million for the Burns Valley project, which will include construction of a large sports and recreation center complete with baseball fields, soccer fields, a 20,000 square foot rec center, a small amount of retail space and a public works corporation yard.

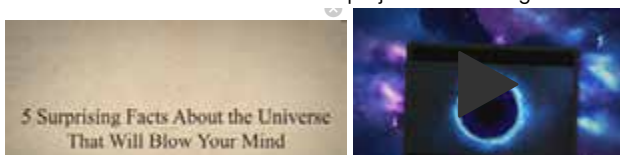
The 18th Avenue project suit is set to go to trial in Lake County Superior Court on Friday, Oct. 20. No date has been set for the Burns Valley lawsuit.

Council members on Oct. 5 were united in calling the tribal lawsuits "frivolous" and damaging to the city's efforts to complete beneficial projects, including those focused on the community's children.

The council had initially approved the \$250,000 figure for legal defense in March after the tribe sued to stop the city's extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.

The tribe has alleged that the city violated the California Environmental Quality Act, or CEQA, and abused its discretion in adopting a mitigated negative declaration rather than completing an environmental impact report for the project.

Specifically, the tribe has pointed to AB 52, the Tribal Cultural Resources Bill of 2014, which requires that, as part of CEQA, public agencies must consult with a local Native American tribe when a project will have significant impact on tribal sites.





“The City ignored substantial evidence of direct and cumulative impacts to tribal cultural resources within the aboriginal territories of Petitioner Koi Nation, and the City failed to engage in meaningful and legally adequate government-to-government consultation with Petitioner Koi Nation as required by CEQA through AB 52,” according to case documents.

In its defense, the city has said it conducted that consultation and followed CEQA’s requirements fully, and that the tribe is reading things into the law that aren’t there.

The city had been set to start road and utility work on the 18th Avenue Project in July, the week after a temporary restraining order hearing that took place on July 13 before Judge Michael Lunas.

At that time, it had been anticipated that Lunas would issue a ruling within a month, but that decision finally came down within recent weeks.

Lunas denied the tribe’s request for a preliminary injunction but issued a stay on ground disturbing work until the outcome of the Oct. 20 trial.

With Lunas expected to issue a ruling within 30 days of the trial’s conclusion, and no date yet set on the sports complex, Flora said there is “little likelihood” the city will be able to do any work on the projects this year. However, he said he remains “ever hopeful” some work could be done on the 18th Avenue project, depending on weather.

The Koi tribal leadership has appeared to heighten its willingness to fight the city at the same time as they are working to establish a new casino in Windsor in neighboring Sonoma County.

The tribe had been known as the Lower Lake Rancheria Koi Nation until 2011, when it changed its name to the Koi Nation of Northern California.

In the fall of 2021, the tribe went public with its plans for the Windsor casino. By that year’s end, the tribe’s koination.com website was gone and now redirects to Koinationsonoma.com.

On that website’s “Mission” page, it does not mention Lake County. Rather, it says the tribe is “committed to protecting and exercising our inherent sovereign rights as a federally recognized tribe to their fullest extent, including obtaining land to re-establish a permanent land base for our people who have lived in this region for thousands of years, and creating self-sustaining economic activity to support the tribal government and its people, and the entire community of Sonoma County.”

So far, the Koi — who will partner with the Chickasaw Nation of Oklahoma to operate the casino — have not gotten a welcome reception either from tribes or government agencies in Sonoma County, which have joined to push back on the plan.

The Sonoma County Board of Supervisors passed a resolution against the casino, the Graton Rancheria accused the Koi of "reservation shopping" and in a federal hearing last month, the tribe's plans even received opposition from elected leaders at the federal and state levels.

The tribe has, however, gotten support from a group of union workers with whom it has signed an agreement to ensure union labor is employed in building the casino, as well as retired Lake County Sheriff Brian Martin, featured in a support video released in July, and actor Peter Coyote, who has narrated a documentary involving the tribe.

### **Heightened disagreements**

The Koi's working relationship with the city has most noticeably deteriorated over the last three years, as the tribal leadership and its attorneys have aimed increasingly sharpened criticism at city leadership over the handling of projects.

Much of the tribe's tension with the city has appeared to involve tribal monitoring. Specifically, the tribe wants trained tribal members to be paid by the city to monitor all operations when there is ground disturbance in order to look for artifacts and human remains, which trigger work stoppage.

The tribe has maintained this is important because of past instances in which lack of monitoring resulted in removal of human remains and historical soils, and destruction of artifacts.

Flora said during a Clearlake Planning Commission meeting in June that the city doesn't believe that every project it does that involves ground disturbance requires tribal monitoring.

The Koi haven't just taken aim at city projects.

In the fall of 2020, the Lake County Tribal Health Consortium began work on its new Southshore Clinic at 14440 Olympic Drive. The consortium consists of six Lake County tribes, but the Koi does not participate.

Flora said the Koi tribe was aware of the project, but when construction started, "They came out and kinda caused a ruckus and asked for Dr. Parker to come out."

Flora said Dr. John Parker, the Koi's preferred archaeologist, went to the project and concluded there were no issues. In all, Flora estimated that construction on the project was stopped for as much as a day and a half while those matters were resolved.

When it held its official grand opening in May, Tribal Health presented the city with a \$150,000 check in support of the Burns Valley sports complex project, pointing to the health benefits to the community.

Flora said that in 2022, the Koi had threatened to sue to stop completion of the city's new splash pad at Austin Park. Because the council had wanted to move forward with the contract and completing the project, he said they agreed to the monitoring the Koi wanted.

However, while the splash pad was completed, Flora said there was other work planned at Austin Park that won't be completed because underground work would have been required and it was expected to result in further issues with the tribe.

That included shade structures in front of the bandstand that were to be paid for with grant funds. Flora said the city is now reallocating those funds elsewhere.

"We know with their pattern of working with us that it's just not worth the fight at this point," he said.

In January, during an initial discussion with the Board of Supervisors about designing a regional skate park at Austin Park — and upgrading the existing park with an above-ground concrete structure — Koi representatives again raised issues.

Robert Geary, the tribal historic preservation officer for Habematolet Pomo of Upper Lake who has been working with the Koi in response to city projects, said the site of the existing park is a village site and that they wanted protocols in place before any action was taken.

"This is only for the design," said Supervisor Bruno Sabatier, whose district includes Clearlake.

"We have discussed the sensitivity of the area as well," said Sabatier, which is why they are looking to build up, not to dig into the earth in order to do the least disturbance possible.

Holly Roberson, the tribal cultural resources counsel for the Koi Nation, told the board the tribe isn't against development in Lake County.

She followed up by saying, "It's great that you're interested in development above ground. That doesn't necessarily mean there won't be tribal cultural



resources impacts.”

Roberson said they would have “significant legal risk” if the tribal resources aren’t fully addressed.

Sabatier said he planned to work to make sure the project happened correctly, but didn’t support adding any requirements to the memorandum of understanding for the project’s design cost.

During a June discussion the Clearlake City Council had on that project, Roberson and Geary appeared and reiterated comments they had made at the supervisorial meeting about the skate park project’s potential impact on tribal resources. The council went forward with approving the MOU at that time.

There are other projects the city also is holding off on because they’re concerned about more threats of litigation by the tribe, including installing electrical vehicle charging stations at City Hall. He said the city isn’t planning any such installations there because they believe the tribe would try to stop it.

In addition, a water line replacement down Dam Road needed to serve the Cache fire area, including one of the mobile home parks where there are 50 mobile homes needing water supply and another park where rebuilding needs to take place, has been held up for the Konocti County Water District, according to Flora.

Flora said the tribe is insisting that any sensitive materials that have been dug up due to the water line work be reburied in the same location. In some instances, that’s not possible. The city is offering another reburial location and the tribe is refusing. The result is the district is going to have to come up with more money to pay the tribe for monitoring and reburial.

### **Situation comes to a head**

For the Burns Valley project, the situation comes down to monitoring.

The city purchased the 31-acre parcel at the end of 2020. In May of 2022, the city completed the sale of a five-acre parcel at 14795 Burns Valley Road to Arcata-based Danco Communities, which is building an 84-unit apartment complex with mixed-income family units there. That project had no opposition from the tribe.

“They did not raise issues with Danco because Danco agreed to full tribal monitoring, even though there was no requirement to do so,” said Flora. “Danco was more concerned about the timing of the project being held up and how that would impact their financing stack.”

The tribe wants the entirety of the 26 acres where the sports complex and city corporation yard will be located to be monitored, rather than just the location of two habitation sites, which they have argued is actually one large village.

“They say it’s always about the monitoring but they feel like they should make all decisions when it comes to tribal resources,” said Flora.

There are no state or federal laws requiring tribal monitors, although projects have increasingly included them out of respect for tribes.

Flora said if an item is found, the tribe believes it gets to tell the city what to do about it. “They get to decide and we get to pay for it,” he said, adding that’s

not the state law.

The Clearlake Planning Commission's approval of the Burns Valley project's environmental analysis over the Koi's objections on April 25 brought the disagreements between the city and the tribe to a head over the summer.

The Koi appealed the commission's action. Over the course of several meetings — regularly scheduled meetings on June 1 and 15, and a special meeting in June 6 — the Clearlake City Council discussed the Koi's appeal.

At the June 6 meeting, Tribal Chair Darin Beltran — brother of Vice Chair Dino Beltran — spoke to the council about the project.

Beltran's comments led city officials to understand that he was offering to have the tribe — not the city — pay for the monitoring it wants of the site.

The city created a separate video clip of that discussion from the meeting and posted it on its Youtube page in order to explain the matter.

However, the following week, when Mayor Russ Perdock and Councilman David Claffey met with the Koi tribal council, Perdock said that offer was rescinded.

At the June 15 council meeting, Darin Beltran did not speak to the matter. Instead, Roberson told the council that it was a "misunderstanding," and that the tribe was not extending Darin Beltran's offer, which would have required a vote of the tribal council.

She said it was "confusing," although council members were firm in saying Beltran's offer had been clear.

While his brother didn't speak, Dino Beltran did. "We have not told you no. We want this to happen," he said of the project.

He said it was a social justice, cultural and religious issue, not one of CEQA.

Beltran said they were going to start reaching out to the community. "We are not getting through here," he said about interactions with the council. He said they would not pay for tribal monitoring.

"This isn't a legal issue so much as it is a moral issue," he said.

During the discussion, another tribal member requested that the sports complex be named for the tribe, which Flora later said wasn't something that had ever been discussed before then.

Roberson, who returned to the microphone, said there are numerous cultural sites around the city, and not all cultural resources have been identified or mitigated.

She said sites have historically been desecrated. "Are you going to keep going? Are you going to double down on what happened in the past?"

Tom Nixon, a retired park ranger for Anderson Marsh, said during public comment that he respected both the city and the Koi, which he said wanted to be part of the process.

Part of that is legitimizing compensation, Nixon said. "I think you should pony up."

Flora later noted that, from listening to comments from the public, there was not a clear understanding of the mitigations, which includes tribal monitoring of specific sites and cap and fill.

He said the city purchased the property two and a half years before and immediately started consultation with the tribe. Dino Beltran raised issues of burials, and that information was passed on to archaeologist Dr. Greg White, who found no evidence of burials on the property.

Councilman Dirk Slooten said it was interesting that, only that day, the tribe raised environmental and social justice issues about the project.

Councilman Russ Cremer said he had been specific in asking the tribe about paying for monitoring during the special meeting in which Darin Beltran had made the offer.

Cremer said that cultivation has happened on the property — which had been part of a working farm and orchard — for over the past 100 years.

Recently, the city had the property disked to knock down vegetation for fire safety, and the tribe criticized the city for taking that measure, which Cremer said was ridiculous.

He said they've tried to get to a happy medium and that the tribe hasn't heard them.

"Quite honestly, I'm somewhat, I shouldn't say I'm shocked," he said. "There was no misunderstanding on what I asked and what Mr. Beltran agreed to."

Cremer said something happened over the weekend or the ensuing three or four days after the meeting in which Darin Beltran had offered to pay for monitoring.

He said he didn't see a requirement for city to pay for monitoring outside of areas we agreed to pay for. "We're stretching to make this thing work."

Cremer added, "You say you want this to happen, but your actions are not showing me that."

Councilwoman Joyce Overton was less diplomatic. "I'm not quite sure why we're even here on the issue."

She faulted Parker for having gone onto city property without permission to conduct surveys — which Flora also had stated during council meetings on the matter — adding she has personally seen Parker make copies of artifacts.

Overton said there is always going to be monitoring, and that she felt the city had gone above and beyond in its responsibilities. "I don't think there's any give anymore."

Flora said during the discussion that the city if human remains are found, work within 100 feet needs to stop.

"This is a unique opportunity for the city of Clearlake," said Slooten, with a amazing sports complex with amazing health benefits to the community.

He pointed out that Lake County has some of the worst health outcomes in the state because it doesn't have these types of facilities.

Perdock added that the city has changed the site designs and made other adaptations. At the tribal meeting, he said he had told them they hoped to extend an olive branch.

However, he said the city's budget is stretched pretty thin to get the project done and across the finish line.

The council voted unanimously to continue forward and deny the Koi's appeal.

### **Arguing in the court of public opinion**

On July 14, the tribe sued, and the tribe and city began exchanging news releases.

The Koi, who said their ancestors have lived in the region for more than 17,000 years, accused the city of "blatant disregard of state laws that mandate the protection of tribal cultural resources," and said it is insisting the Burns Valley project meet state laws on oversight.

The tribe maintained that city officials "have approved a wholly inadequate and rushed approval of the project that excludes the required protection of tribal cultural resources and meaningful tribal consultation."

The Koi's news release did not quote Tribal Chair Darin Beltran, but instead much of it was attributed to his brother, Dino Beltran.

"The City of Clearlake and the City's leaders must respect the law, our cultural heritage and our tribal sovereignty before and during the development of the Burns Valley Sports Complex," said Beltran. "Protecting burial sites and artifacts of our people is a legal and moral obligation, and we hope that this action will persuade Clearlake officials to recognize their obligations and meaningfully consult with us."

The statement by Beltran continued, "The Koi Nation provided lots of evidence of impacts to tribal cultural resources on the project site and many ideas to reduce harm or avoid impacts, but the City just wouldn't listen. We asked them to keep consulting, and to work it out with us so the project could move forward, but they walked away from the table."

Beltran accused the city of claiming the tribe opposes the development, which he said is "categorically untrue."

"The Koi Nation does not object to development in the region, so long as it is done respectfully and legally. The Koi Nation supports the creation of this facility for our friends and neighbors who live in the City, which has a shortage of outdoor recreation options, and is taking this action to ensure that the Burns Valley project moves forward in a way that conforms to the law and does not cause more harm to tribal sites," Beltran said in the statement.

The statement continued, "The City wants to pit us against our neighbors by these false statements, when we have said publicly that we support the development. It is disappointing and upsetting that the City's leaders would make such statements in an attempt to create animosity toward us. We are not seeking to stop the project, but rather to ensure that Clearlake officials follow the law."

Beltran added, "We can and must find a way to co-exist. This place is the land of the original inhabitants of the Clearlake basin, the Koi people. When the City builds projects, it needs to be respectful and take into account all of the tribal cultural resources it could impact and find a way to avoid harming them. The City must do everything it can to build projects in a responsible way, which could save the City money and actually help projects get done faster with less opposition."

In its response, the city said its on a path to revitalization and that it has "pressing community needs, such as infrastructure, education, medical care and public services. The sports complex is intended to serve as a gathering place for families, friends, and neighbors, strengthening community bonds and fostering a sense of belonging and camaraderie among residents."

The city added, "Not only is the sports complex needed for the youth in the community, but it will also help convey the necessity of a healthy lifestyle for the whole family. Lake County has some of highest negative health statistics in the State so the City is doing everything it can to help improve the quality of life for their residents."

The city's statement also noted that while it continues to hear Koi Nation is "not opposed," "yet the approach they take and the litigation they filed seems to suggest otherwise. The Sports Complex litigation follows on the heels of the recent Koi lawsuit which has temporarily halted the hotel development and new road project on 18th Avenue in Clearlake."

"Litigation seems to be routine with the Koi on our projects which is incredibly frustrating and disappointing. During the CEQA process, we worked with the Koi for over two years, and we thought we had made good progress," Flora said in the statement.

The city said it redesigned the sports complex project to avoid any impacts to tribal cultural resources — primarily by utilizing a cap and fill method of building above any sensitive areas without excavation — and that it made many concessions beyond what was legally required in order to respond to the Koi's concerns.

Among its offerings to the tribe were a discussion about naming the sports complex, tribal interpretive panels and displays, native plantings and agreeing to allow the tribe free use of the complex up to four times a year for their own events.

In the statement, Perdock said that after their meetings with the Koi, the city believed a feasible agreement was possible, referring to Darin Beltran's offer to cover tribal monitoring costs. "We were thrilled to feel like we could move forward in unison. However, a week later at the June 15 City Council meeting, the tribe rescinded their offer. I can't tell you how disheartened our community is at the thought of the Koi holding up yet another project."

City officials said the tribe's "continued frivolous lawsuits" are wasting scarce city resources in terms of time and money, and it could destroy the city's future plans.

Perdock encouraged anyone interested to review the documents about the project themselves. "We hope the Koi Nation won't take this community asset away from us."

### **Council discusses legal expenses**

Flora's written report for the Oct. 5 council meeting explained. "While the City continues to believe these lawsuits and the tribe's actions to be an overreach and frivolous, significant taxpayer funds will nonetheless be required to defend these projects."

"I know, it's frustrating," Flora told the council during the meeting, "These are project funds that were identified to be used for sidewalks, playground equipment, batting cages, etc."

He said a number of those items will have to be pulled out of the projects when the city is authorized to move forward or else additional funding is identified.

"I think it's essential that we defend ourselves against these frivolous efforts and the future of clearlake depends on it," Flora said.

He said the city has spent about \$3.5 million on the sports complex so far, with another \$9 million in the budget for work on the project this fiscal year.

Some of that money comes from grant funds and is not being used for legal expenses, Flora said.

Claffey said that some of the biggest problems the city has faced have involved roads and parks, and set out to address those very issues. "We as a small city cobbled together enough money to start making some significant improvements."

He added, "This is a lot of money going to a purpose that really isn't needed."

That's just on the city's side. Claffey said money is being spent on the other end — a reference to the tribe — that could be invested in this community that is not right now. All of it is being done on the backs of taxpayers, he added.

"We have to defend it now or it's going to continue to haunt us into the years to come as we try to continue to do projects within the city to improve it for our citizens and our community. So we have no choice but to continue," said Cremer.

Slooten concurred with Claffey and Cremer. "We need to do this."

He added, "Otherwise they'll continue with these frivolous lawsuits."

Overton agreed. She said she didn't see any choice. "I'm just saddened that we're going to be taking away from our children."

"I echo the comments of my peers," said Perdock.

He said he was very disappointed in the city's public hearings on the projects, hearings that had been dominated by the disagreements between the tribe and the city.

Agreeing that the legal action by the tribe is frivolous, Perdock maintained Clearlake has complied with all of the CEQA laws and requirements and had tribal monitors in place as required by law.

It was when the tribe wanted extras — an apparent reference to the larger scope of tribal monitoring the Koi wanted — that the city said no and that work needed to get started. Perdock said the city didn't want to pay for unnecessary services "as I see them."

"The tribal chairman agreed for a solution and then they backtracked. Remember that," said Slooten.

Because the city is in litigation on the matter, Perdock said they were limited in what more they could say.

Claffey moved to increase the legal contract amount from \$250,000 to \$500,000, with Slooten seconding and the council voting 5-0.

**Email Elizabeth Larson at [elarson@lakeconews.com](mailto:elarson@lakeconews.com) (<mailto:elarson@lakeconews.com>). Follow her on Twitter, @ERLarson, or Lake County News, @LakeCoNews.**



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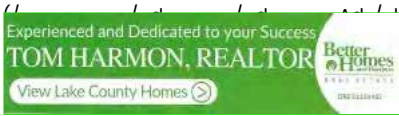



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## UPCOMING CALENDAR

- Oct 28** 10.28.2023 10:00 am - 1:00 pm  
Farmers' Market at the Mercantile (</newcal/6898>)
- Oct 28** 10.28.2023 10:00 am - 12:00 pm  
Lake County Genealogical Society cemetery tour (</newcal/7200>)
- Oct 28** 10.28.2023 5:00 pm - 9:00 pm  
Lake County Land Trust 30th anniversary dinner (</newcal/7152>)
- Oct 31** 10.31.2023  
Halloween ([/newcal/g-4-20231031\\_36klpu9coljcnm9nfgjth27al4\\_20231031](/newcal/g-4-20231031_36klpu9coljcnm9nfgjth27al4_20231031))
- Nov 1** 11.01.2023  
First Day of American Indian Heritage Month ([/newcal/g-4-20231101\\_tv17hiji8jipl7hrutr4h62v5o\\_20231101](/newcal/g-4-20231101_tv17hiji8jipl7hrutr4h62v5o_20231101))
- Nov 2** 11.02.2023 5:00 pm - 9:00 pm  
Every Beat Counts benefit (</newcal/7163>)
- Nov 4** 11.04.2023 10:00 am - 1:00 pm  
Farmers' Market at the Mercantile (</newcal/6899>)
- Nov 4** 11.04.2023 2:00 pm - 3:00 pm  
Lakeport Library hosts Hank Smith (</newcal/7199>)
- Nov 5** 11.05.2023  
Daylight Saving Time ends ([/newcal/g-4-20231105\\_drikm9rqmroskv6c07ug7t5l8o\\_20231105](/newcal/g-4-20231105_drikm9rqmroskv6c07ug7t5l8o_20231105))
- Nov 7** 11.07.2023  
Election Day ([/newcal/g-4-20231107\\_fc8f1530s4lqftcnc9c75jccok\\_20231107](/newcal/g-4-20231107_fc8f1530s4lqftcnc9c75jccok_20231107))

## MINI CALENDAR



October 2023



| Sun                                                                                                                                    | Mon                                                                                                                                                                                                                                                                         | Tue                                                                                                                                     | Wed                                                                                              | Thu                                                                                          | Fri                                                                                         | Sat                                                                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 1<br><a href="/newcal/7165">(/newcal/7165)</a>                                                                                         | 2                                                                                                                                                                                                                                                                           | 3<br><a href="/newcal/7167">(/newcal/7167)</a><br>+2 more                                                                               | 4                                                                                                | 5<br><a href="/newcal/7173">(/newcal/7173)</a>                                               | 6<br><a href="/newcal/7174">(/newcal/7174)</a><br><a href="/newcal/7151">(/newcal/7151)</a> | 7<br><a href="/newcal/7132">(/newcal/7132)</a><br>+3 more                                                                        |
| 8<br><a href="/newcal/7170">(/newcal/7170)</a><br>+2 more                                                                              | 9<br><a href="/newcal/g-4-20231009_e8vvu38c3icj97ls28mtfidkp4_20231009">(/newcal/g-4-20231009_e8vvu38c3icj97ls28mtfidkp4_20231009)</a><br><a href="/newcal/g-4-20231009_t9slrpkccep8vjg2g2606tq8bc_20231009">(/newcal/g-4-20231009_t9slrpkccep8vjg2g2606tq8bc_20231009)</a> | 10<br>+2 more                                                                                                                           | 11<br><a href="/newcal/7180">(/newcal/7180)</a>                                                  | 12                                                                                           | 13                                                                                          | 14<br><a href="/newcal/7179">(/newcal/7179)</a><br>+4 more                                                                       |
| 15                                                                                                                                     | 16<br><a href="/newcal/7190">(/newcal/7190)</a><br><a href="/newcal/7191">(/newcal/7191)</a>                                                                                                                                                                                | 17                                                                                                                                      | 18                                                                                               | 19<br><a href="/newcal/7196">(/newcal/7196)</a><br><a href="/newcal/7193">(/newcal/7193)</a> | 20<br><a href="/newcal/7194">(/newcal/7194)</a>                                             | 21<br><a href="/newcal/7195">(/newcal/7195)</a><br>+4 more                                                                       |
| 22<br><a href="/newcal/7172">(/newcal/7172)</a>                                                                                        | 23                                                                                                                                                                                                                                                                          | 24<br><a href="/newcal/7201">(/newcal/7201)</a>                                                                                         | 25                                                                                               | 26                                                                                           | 27                                                                                          | 28<br><a href="/newcal/6898">(/newcal/6898)</a><br>+2 more                                                                       |
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**From:** Kristine Hannigan <[kristine.hannigan@gmail.com](mailto:kristine.hannigan@gmail.com)>  
**Sent:** Sunday, October 22, 2023 6:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hi Chad,

I am following-up with a letter to the recent EA call. The responses against casinos are so strong. I can't stress enough that 222 E Shiloh is the wrong place for a casino. I think what burns in my mind is the fact that when I first moved to Windsor trying to evacuate multiple times and being stuck in traffic. There could be a devastating impact to me and my young family. I was worried about my own family and elderly neighbors that live around here. I think about the one lady that talked about the fear of burning in her car - it seems all real as something that could definitely happen if this casino is built.

I also want to mention that so much was not mitigated in that report - water run off, light pollution, construction noise. The report was completely biased and not well written. There are so many reasons this is a bad place to build. But the main one is fire and safety - if any of us die in a fire blood will be on the hands of the BIA.

My parents live in El Dorado Hills and they have Red Rock Indian Casino up there. It is on 70 Acres - that casino has its very own exit. In my opinion this is how these casinos should be built - away from residential neighborhoods, in a business district far away from neighborhoods with their own off ramp so that it does not disrupt the day to day of the working people trying to make a living.

Additionally, I do think that this would set a terrible precedent for other Indian tribes. Lytton was denied building a casino only to have a tribe outside of Sonoma county try to grab this land and build on it. It's terrible, I support the Koi building a casino in Lake County.

I don't approve A, B or C - please deny the Koi building anything on the land. Please do not approve this casino (A and B) and C. It would be devastating to our community, our little town and possibly our lives.

Thank you,  
Kristine  
6166 Lockwood Dr.  
Windsor, CA 95492



**From:** Sue Frey <[suefrey@sonic.net](mailto:suefrey@sonic.net)>  
**Sent:** Sunday, October 22, 2023 5:54 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project. Comments on Environmental Assessment Published Sept 2023

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Dear Mr. Broussard,

Following are my comments regarding the Koi Nation Shiloh Resort and Casino Project environmental assessment published in September 2023.

Regarding Water Resources

- The proposed 6-17 acres of vineyard to remain are intended to be irrigated with recycled water. The proposed irrigation exceeds (by a factor of 20) the current ETc requirements for the Windsor Water District set by the state. This is unacceptable.
- Reimbursement is inadequate for owners of nearby wells that become unusable. Five years is not a reasonable timeframe to determine failure of a well. Well failure should be measured after a minimum of 10 years of drought. I live less than a mile from the proposed site, and my well is less than 100 feet deep (within the top aquifer). The water is delicious and contains no sulfur. I have lived in the same house for 38 years and have had no water issues through many years of drought. If my well were to fail, I should receive full compensation for the cost of a new well. In addition, I would likely need to go into the second aquifer for water. Neighbors whose wells go into the second aquifer have horrible water. There is so much sulfur that the sinks, tubs, toilets, and showers are stained deep orange. The water is undrinkable. A water filtration system sufficient to take care of any issues presented from tapping into the second aquifer should be provided.

Transportation and Circulation

- Objections to Existing Plus Project and Opening Year 2028 plus Project findings: Shiloh Road access is already inadequate, and soon we will have an additional 300 apartment units open up at the corner of Old Redwood Hwy and Shiloh Road. In the last several years I have been evacuated twice due to out-of-control wildfires and was also put on evacuation warning for a 3<sup>rd</sup> wildfire threat. I did not always receive advance warning, and many roads were closed due to the wildfires. The roads that were open were packed with vehicles trying to escape. Residents in the neighborhood directly across the street from the proposed project spent up to 2 hours trying exit their neighborhood onto Shiloh Road in an attempt to escape the wildfires. Adding a casino and hotel with an additional 500+ vehicles trying to use the same evacuation route, is likely to cause people to be trapped and unable to escape when we have another wildfire similar to those experienced recently.
- Objections to both the 2028 and 2040 plus Project Findings: I assume the widening of Shiloh Road is expected to be achieved using eminent domain. This is unacceptable. Eminent domain is the power of government to take private property for a public use determined to be in the best interest of the people. It is typically used for things like infrastructure or services such as schools. Our local Windsor government has come out against the casino. Our State Senator Mike McGuire is against the proposal, and our federal Assemblyman Jarod Huffman

and Senator Diane Feinstein came out strongly against this project. There is no appropriate government use that warrants using the power of eminent domain for this project.

- The traffic analysis needs to consider the impact of large events, not just average daily operations.
- The traffic impact study does not include an analysis of the impact caused by visitors to the casino. Consideration of employee vehicle miles travelled is insufficient.

### Land Use

- The proposed casino, hotel, and convention center do not fit with the Town of Windsor General Plan for land use. Properties to the north and west of the project site are planned for low density and mixed-use development housing.
- The land use designation for the project site in the Sonoma County General Plan is Land Intensive Agriculture. The vineyard currently at the proposed project site is consistent with the plan. Hotels, restaurants, and gaming facilities are not included in the plan.

### Other - Financial Loss Incurred by Local Residents

- The value of homes in the vicinity of the proposed casino will drop by hundreds of thousands of dollars with the addition of the casino. Homeowners should be compensated for their loss.

Indian tribes should only be allowed to buy land for a casino within their local community or such other community that is in favor of selling them land for the purpose of building a casino. This is especially true when the casino is inconsistent with the current general plan, and opposed by local Indian tribes, local residents, and local, state, and federal government officials.

The current Environmental Assessment should be rejected. The whole project should be rejected. If it is decided to go forward, an unbiased Environmental Assessment is needed.

Best Regards,  
Susan Frey

**From:** [jazzbear@earthlink.net](mailto:jazzbear@earthlink.net) <[jazzbear@earthlink.net](mailto:jazzbear@earthlink.net)>  
**Sent:** Monday, October 23, 2023 4:53 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Chad Broussard  
Bureau of Indian Affairs  
Sacramento, California

October 23, 2023

Dear Mr. Chad Broussard,

I am a resident in the Oak Park neighborhood who lives on Gridley Drive in the Town of Windsor directly across from the proposed casino and hotel project site along Shiloh Rd. I have reviewed the Environmental Assessment (EA) and would like to respond and comment on certain issues raised in the document.

Best Management Practices (BMPs)

2.1.10 - BMPs - indicates the Tribe will ensure that BMPs will be followed. Who oversees, regulates, and ensures that the Tribe is adequately enforcing BMPs? How does the Tribe become trained and responsible for enforcing compliance? You can design to State and Local standards, but will state and local inspectors regularly inspect during construction and ongoing operation?

Wastewater Treatment Plant Operation

I guarantee you that nighttime odors are experienced today in Milpitas that come from the perfectly and legally designed advanced wastewater treatment plant in nearby San Jose, CA. Call up the Bay Area Air Quality Management District (BAAQMD) and ask them if they regularly receive odor complaints from people living next to wastewater treatment plants around the Bay Area. (Hint: they do.)

Do I get to file an odor complaint from the operation of the nearby tribal wastewater treatment plant with local BAAQMD inspectors? Or, is the Koi tribe exempt because it's now Tribal land and therefore the Tribe is only subject to Federal inspectors and their Federal laws? Federal laws are weaker than the more-stringent California State and local environmental laws. Federal inspectors do not have the experience nor authority to inspect more stringent California State and local environmental laws.

Hazardous Materials and Hazardous Wastes

For example, the Federal Resource Conservation and Recovery Act (RCRA) hazardous waste law enforced by the US EPA is much weaker than the California State (HWCL) Hazardous Waste Control Law. The HWCL incorporates RCRA and then additionally regulates hazardous wastes that are not regulated by RCRA. Spills from equipment containing waste oil, waste coolant, or other liquid metal bearing wastes containing nickel, copper, and zinc aren't even recognized as being hazardous wastes federally by RCRA; but they are hazardous under the stronger California HWCL. So, who enforces HWCL if tribal lands are only subject to RCRA? If the answer is nobody or if it's the Feds, then you are messing with Mother Nature.

As far as receptors like people, watersheds, aquifers, hydraulic gradients, soil, and air basins are concerned, a chain is only as strong as its weakest link. Moving environmental contaminants don't recognize politically contrived boundaries from town limits, unincorporated county property lines, and tribal lands. If all the businesses and organizations surrounding the Koi tribal property have to comply with more stringent state and local laws while the tribal land itself only complies with weaker Federal laws, then unregulated contaminants from releases on tribal property could migrate via air, land, and water to contaminate nearby receptors who have to comply with more stringent state and local laws. Not only is this unfair, it's potentially dangerous to the environment and the people who live and work nearby; as well as to those who would work on the tribal land itself.

#### Hazardous Materials Reporting

Federal Emergency Planning Community Right to Know Act (EPCRA) requirements are much weaker than the more-stringent CA Hazardous Materials Business Plan (HMBP) requirements. The types and amounts of chemicals to be disclosed plus emergency plans are more extensive under HMBP than EPCRA. Even though the EA discloses an MOU with local fire departments, I didn't notice any discussion from the environmental consultant about tribal chemical inventory disclosure issues and emergency planning requirements that local emergency responders would require.

#### Hazardous Materials Chemical Inventories

There should be exact quantifications of the locations, amounts, storage systems, and monitoring requirements for all hazardous materials and wastes. Are chemicals going to be stored under pressure, vacuum, or at standard temperature and pressure (STP)? Are chemicals stored aboveground or below ground? Are chemicals to be stored in tanks or containers? How big are they going to be? Will there be secondary containment for all chemicals? How will the chemicals be monitored? Will there be visual and/or electronic monitoring performed? There are at least going to be hazardous fuels stored in 5 tanks for emergency backup generators, chemicals used to operate the water and wastewater treatment plants, pesticides and fertilizers for agricultural purposes, hydraulic fluids for elevators, plus cleaners, paints, and lubricants for ongoing maintenance. There will be e-waste generated from spent computers, batteries, paints, other electronic devices, lighting, etc. There will be California hazardous wastes generated (Non-RCRA wastes) from the use and accidental releases of these

chemicals. There will be hazardous materials used and California hazardous wastes generated during construction.

I don't like living down the block from a business entity that doesn't have to comply with California hazardous materials and waste laws because it's on tribal land and only subject to Federal US EPA regulations that are not as strict as California environmental laws. Meanwhile, all other businesses and organizations that surround the site have to comply with the stricter State and local laws.

Who reviews, approves, and permits the plans for construction of these hazardous materials storage and waste systems? After installation, who periodically inspects these systems to ensure compliance? If a system fails or needs to be upgraded, who oversees that? At the end of life of these systems, who oversees the properly permitted, safe closure of these systems?

In the EA, I did not read that the Cal OES and the local CUPA were ever consulted to discuss HMBP chemical inventory disclosure, hazardous waste requirements, or permitting inspection requirements. Or, are tribal lands exempt from more stringent local disclosure and environmental requirements even though the Koi tribe will be relying on local fire departments to respond to fires, medical emergencies, and any hazardous materials releases occurring on their property?

The proposed Koi casino site is different than the Graton and River Rock casinos. The Graton casino appears to have been constructed in an existing business industrial/agricultural area and is discharging its wastewater into another entity's sewage collection system that already has a proper NPDES discharge permit.

The River Rock casino has a permitted wastewater treatment system but is located away from urban residential areas where higher numbers of environmental receptors exist that could be negatively impacted like here in Windsor.

The proposed Koi site is next to residences, churches, and schools. The site is adjacent to the Windsor Town limits. The Koi site can't discharge into another entity's existing wastewater treatment system and needs to obtain its own NPDES permit and build both a wastewater treatment system and a water treatment system. Pumping water from underground aquifers could negatively impact other existing wells nearby. As the EA indicates, the Koi tribe will be compensating existing well owners that are negatively impacted as a mitigation measure. You can pay people all you want. It doesn't change the fact that the underground aquifer may be excessively depleted. I personally find this offensive. The number of pre-existing nearby environmental receptors (both man-made and natural) that can be negatively impacted are greater here in the surrounding area than elsewhere.

I will live a couple of blocks away from a casino that operates 24/7. As an added "bonus", I will also live near a water treatment plant and a wastewater treatment plant that will also operate 24/7. These types of plants are usually situated away from

residences with isolated buffer zones surrounding them. The EA shows process diagrams but no actual drawings of what these treatment plants will look like and how they will exactly operate. Assumptions are being made, but nothing yet quantifiably precise. It is not clear to me that there will be sufficient amounts of separation and isolation for these plants to operate.

Throughout the EA, the authors of this document arrive at conclusions that environmental impacts are “less than significant”. Some of these compare observations against thresholds or standards while others make assumptions that seem qualitative, convenient, and are open for debate. In places, this report feels biased, arbitrary, and not completely objective as required. When you use adverbs like “probably” or “most-likely” when associating an observed value against a standard, it’s not 100%. “Less than significant” becomes argumentative and unclear.

I appreciate that a lot of work went into this EA. A lot of data were collected, calculations made, comparisons of observations against standards performed, and conclusions were decided. But here’s the problem, just because you say that something is “less than significant”, it doesn’t necessarily mean that it is so.

Here’s an example. For noise, if the standard for “significance” for a construction activity is an increase of 5 or more dBA, you would conclude that a sound level meter increase reading of 4.8 is “less than significant” because it is less than 5 dBA. Tell that to a person with sensitive hearing and they will tell you that your conclusion was wrong because they “perceived” it as being louder than your standard.

The point here is the issue of “perception”. I don’t care what environmental issue you want to talk about (noise, light, air quality, water quality, traffic). If you locate a project in an area next to a larger number of pre-existing environmental receptors (neighborhood residents, businesses, school students, church congregations, etc.) you are going to have a problem because there will be a larger number of differing “significant” perceptions versus your “less than significant” conclusions in your EA.

From all of the issues discussed above it is clear that analyses of this proposed project are incomplete and insufficient to allow approval of this project. I believe that this project should be relocated to a location where the number of environmental receptors that are negatively impacted is less. I would recommend selection of Alternative D for reasons stated above. At the very least, a full-blown EIS is warranted. If a Finding of No Significant Impact is issued, I think that subsequent litigation will be most-likely imminent.

A final note. I learned that the Koi tribe was recently involved in litigation in Lake County in a legal proceeding against the City of Clearlake. To me, this verifies that the Koi tribe is still a Lake County tribe; not a Sonoma County tribe. You can’t have it both ways. You can’t be a little bit pregnant. Either you are, or you aren’t a Lake County tribe. I would encourage and support the placement and development of their casino in Lake County

near their original, historical land at a location that doesn't significantly impact the environment and others.

Sincerely,  
Richard Owens  
Oak Park Resident

**From:** [b.nies603@gmail.com](mailto:b.nies603@gmail.com) <[b.nies603@gmail.com](mailto:b.nies603@gmail.com)>  
**Sent:** Friday, October 20, 2023 7:18 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard,

After reading the environmental assessment of the Koi Nation Shiloh Resort & Casino, I implore you to reconsider this site for due to its catastrophic environmental impacts.

Given the proximity this large scale development will be sitting between two small towns. Both of which if added together don't come anywhere close in total to the number of residents that is proposed for the occupancy of this casino. Would have a devastating impacts on the infrastructure & safety of both communities (Windsor & Larkfield) it borders.

The proposed water usage, both potable and recycled far exceeds what this area takes in. With the current scheduled development, housing & pre-agreed upon small scale hotels that fit the size of this town. This casino will run our town and surrounding towns dry. With no rules or laws applying to this property and anticipated usage 80x what is currently being accessed this highly limited resource will no longer be available to the residence of the surrounding towns or to the economy that keeps these towns alive.

Finally, the placement of this proposed resort is a lifeline and a fire road. The only exit for multiple communities up Shiloh Road. With the building of this resort, not only will you remove a natural firebreak that the vineyard provides but create a bottleneck with the traffic from the hotel that will cost lives in the event of an emergency. Please I beg you to reconsider this site and if a casino and resort is necessary choose a different location that is not in the middle of multiple communities that will be so adversely affected.

Brittany Nies, Andy Nies, Dorian Nies & Evie Nies  
Windsor Residents  
229 Samantha Way, Windsor Ca 95492



**From:** RALPH MELARAGNO <[drralphm@comcast.net](mailto:drralphm@comcast.net)>  
**Sent:** Saturday, October 21, 2023 10:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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I reside in Wikiup Greens, a senior complex south of the proposed casino. I wish to offer my profound disagreement with the establishment of this casino, for a number of reasons. The environmental impact would be terrible, including water usage, air pollution, and traffic congestion. There are already casinos in the area and another one is excessive. The Koi Nation is actually based in Lake County and has proposed a casino in Sonoma County that should be placed in Lake County. Please do not approve this bad idea.

Ralph J. Melaragno, PhD

441D Las Casitas

Santa Rosa CA 95403

707 528-1811

**From:** JOANN-RICHARD KIPP-HONEY <[honeykip@comcast.net](mailto:honeykip@comcast.net)>

**Sent:** Saturday, October 21, 2023 12:39 PM

**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>

**Subject:** [EXTERNAL] Shiloh resort and casino project

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I live in California; I am 97 years old. Years ago gambling was not allow in Calif. Now that it is allowed in Calif. there is too much gambling; which can cause big problems. Two of my 5 sisters married to addicted gamblers which ended their marriage which was devastating to their families. Also, married friends who were were gambling addicts and had serious financial problems and who gave birth to a blind baby caused me much concern. I hoped they were able to properly care for that infant.

There are already enough Casino near where I live; we don't need any more! Though these resorts have restaurants, hotels, event centers, spas and meeting space WE DO NOT NEED ANY MORE CASINOS.

My husband and I have visited these resorts and enjoyed the restaurants and I am shocked at the number of gamblers! Please, consider these negatives that attract addicts.

Thank you, JoAnne Kipp

**From:** Greg Heath <[gregjanine.heath@gmail.com](mailto:gregjanine.heath@gmail.com)>  
**Sent:** Sunday, October 22, 2023 11:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Hello Mr. Broussard,

Thank you for hosting the call with our community regarding the Shiloh Resort and Casino. We participated in the call but also wanted to send our written comments for the record. We are shocked and very disappointed that the Koi Nation wants to build a casino in our residential community. The property they have purchased is surrounded by homes, churches, parks and schools. After reading the EA we were even more disappointed. The repeated statement that the impact on the local community would be "less than significant" was especially upsetting. Not only will the quality of life in our community be significantly negatively impacted but also the community safety itself.

- We will lose the beauty and fire protection of the vineyard and have it replaced with a 65 foot tall building that is open 24/7 with a constant stream of outsiders.
- There will be a significant impact on the water supply (which is already restricted from long term drought).
- The local environment will be not only be significantly impacted by the huge amount of water consumed but also used in waste treatment.
- There will be constant light and noise and traffic.
- There will be an increase in crime.
- Property values will decrease. I refer to a CNN article that states the National Association of Realtors say the impact of casinos on local property values is, "unambiguously negative".
- The biggest concern is of the impact on fire evacuation for the following reasons:
  - Shiloh Estates and Mayacamas collectively consists of about 100 residences (Mayacamas also has a golf course and clubhouse with nonresident guests). There is only one exit out of these neighborhoods.
    - These neighborhoods have experienced evacuations and fires in the very recent past.
    - We already have bottlenecks when there is a fire evacuation. This includes the 101 freeway.
    - There are new residential housing projects being built now and planned along Shiloh road between Old Redwood Highway and the 101 that will further contribute to this bottleneck.
    - The diagram for the proposed casino suggests that buses would enter on the easternmost entrance traveling from the 101 east on Shiloh road toward Faught Road further contributing to the bottleneck.

It is absolutely frightening to think about the next evacuation and the number of people who could die.

We understand that the Koi Nation wants to support their tribe but why can't the casino be in an

area that is more appropriate and not threatening the quality of life and life itself of the local community?

Please do not allow this casino to be built.

Thank you,  
Janine and Greg Heath  
730 Shiloh Terrace  
Santa Rosa, CA 95403

**From:** Carmel <[cbsonomacounty@gmail.com](mailto:cbsonomacounty@gmail.com)>  
**Sent:** Sunday, October 22, 2023 1:57 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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My main 3 objections to the Koi Shiloh Casino are:

1. Environmental: With our dire worldwide climate crisis where water is a precious commodity and the necessity to reduce fossil fuels, building a resort/casino that will tap into our natural water table and create increased traffic for the profits of a few is unbelievably short sighted, greedy and dangerous. Sonoma County already does not have enough housing for working people so hundreds of folks would drive hours to work at the casino adding to fossil fuel consumption.
2. Wildfires: This area of Sonoma County has already experienced devastating fires destroying homes and businesses and evacuation is limited to the freeway and other arterial roads that already have too much traffic. The casino means greater fire evacuation risk for our local population.
3. Casino's attract drugs and crime and this proposed casino will inflict local families and single older people to car and home thefts and intoxicated drivers in our neighborhoods.

Carmel Papworth-Barnum  
PO Box 3215  
Santa Rosa CA 95402

**From:** [sllkdl@comcast.net](mailto:sllkdl@comcast.net) <[sllkdl@comcast.net](mailto:sllkdl@comcast.net)>  
**Sent:** Sunday, October 22, 2023 3:39 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort & Casino

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EA Comments, Koi Nation Shiloh Resort & Casino

Stephen & Kathleen Lawrence  
582 Coachlight Pl.  
Santa Rosa, C 95404

October 22, 2023  
To Whom it May Concern:

We are submitting this letter in response to the Environmental Assessment (EA) prepared by Acorn Environmental on behalf of the Koi Nation in their quest to open a gaming casino on Shiloh Road, Windsor. We live at the north end of Larkfield, with just vineyards and Faught Rd. separating us from the proposed project.

We noted several shortcomings in the AE and are adding our opposition to the project at this location due to these shortcomings. While we support the right of the tribe to engage in such a project, this is not the location for many reasons, including the following:

**Environmental Report Bias:** Acorn Environmental was cherry picked by the Kio Nation based on their previous work providing EA reports for other tribal casino proposals, as stated by Tribal Chairman Jose Simon during his opening remarks in the Zoom meeting of September 27, 2023. Clearly the result is a biased report that minimizes or ignores actual environmental issues. At the very least a non-biased report written by a neutral agency should be provided to properly and accurately summarize the environmental assessments.

**Emergency Evacuation:** During the 2017 Tubbs fire, we left Larkfield at 1:45 AM, turning off of Carriage Road and headed North on Faught Road to Shiloh Road due to congestion heading south. This route is just over one mile, but it still took 45 minutes, joining the residents living across from the proposed casino, to get to old Redwood Highway. The whole time we were at risk of becoming trapped by the flames. The evacuation of thousands of people at the casino at the same time would cause true grid-lock and potential death. This was not a one-time event and carries a very real potential of reoccurring.

**Drunk and Impaired Driving:** Not even mentioned in the EA, but inevitably some number of patrons will overindulge. Leaving the casino in any direction will ultimately cause property damage and personal injury. Many of these drunk drivers may look at alternate routes to avoid detection. One obvious direction is to head east on Shiloh to

Faught Road and exit through Larkfield. This will take them directly in front of San Miguel Elementary School. There is no stretch of imagination needed to foresee a tragic accident involving elementary students.

Again, these flaws, shortcomings and inaccuracies in the EA should preclude this property from consideration. Alternative property options are available that will not have the same negative impacts and would be more welcoming by the community. We can not support any of the options, except for D.

Sincerely,

Stephen & Kathleen Lawrence

**From:** Richard Addison <[Raddison@sonic.net](mailto:Raddison@sonic.net)>  
**Sent:** Sunday, October 22, 2023 3:51 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** ICE <[mhanna4@sonic.net](mailto:mhanna4@sonic.net)>  
**Subject:** [EXTERNAL] Application for Shiloh Casino and Hotel

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

I am writing to register my concern about the Koi Nation's proposal to build a hotel and/or casino on their Shiloh property. The main concern my family and I have relate to the situation of the Tubbs Fire in 2017, as well as increased risk of successful evacuation during a future fires.

All of the comments at the recent public hearing (close to schools, parks, nature, increased crime possibilities, et al.) were quite salient. The most significant is the burden of extra traffic in our Wildlands Urban Interface area during the next disaster that requires evacuation.

In 2017, we and others in the Wikiup neighborhood had incredible difficulty evacuating our home because of the traffic situation. It took us 45 minutes for what is usually a 3 minute trip, far longer than it should have. We are extremely fortunate to still be alive. When the next fire comes, I am concerned that with a huge hotel and/or casino, traffic will be much worse, and successful evacuation will be less assured. The Shiloh location is a terribly dangerous location for such projects. The current situation is difficult enough without adding a hotel and casino and all the traffic they entail. Our rural roads cannot hold the additional car traffic in case of another fire.

Thank you,

Richard B. Addison  
Margaret Addison  
5386 Vista Grande Drive  
Santa Rosa, CA 95403-1336  
707-576-9813



**From:** Steve Hogle <[ohana@sonic.net](mailto:ohana@sonic.net)>  
**Sent:** Tuesday, October 24, 2023 9:09 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

October 24, 2023

Regarding proposed casino project 222 E. Shiloh Road, Windsor CA

To ALL concerned,

This letter is to address my families concern related to the proposed development of a casino on the 68.6-acre property located at 222 E. Shiloh Road bordering Windsor and Santa Rosa California.

After evaluating the plan for this project, I must consider the impact that it will have on our surrounding community, families, traffic, and the general wellbeing of this area. At this time, the town is being developed at a rate which is challenging the surrounding environment. This project will over stress the common welfare of this neighborhood by demanding excesses in every aspect of its infrastructure which was never designed into the adjacent area.

It has always been my impression that the Native Americans, the first settlers who inhabited these sacred lands were most concerned about preservation and wellbeing of all natural resources. That these lands were to be respected as sacred and to be preserved for what they would bare for generations in their natural forms. A land once developed loses its soul and the earth it is on is forever forsaken.

Please reconsider your plan for this casino project by finding a more suitable location that will not have such an extreme affect the neighbors and our community.

Sincerely,  
Steve Vogle Family

**From:** Leonscki Strachan <[funnyfoxxx98@gmail.com](mailto:funnyfoxxx98@gmail.com)>  
**Sent:** Wednesday, October 25, 2023 12:42 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

My name is Leo Strachan and I am a student who lives in the area and attends Cloverleaf Ranch (a nearby summer camp) over the summer. The idea to build a casino on the land may be one of the worst ideas I have heard all year, as it will be highly disruptive to traffic and nearby companies. This will also cause issues during the summer when children are going to Cloverleaf Ranch, as the casino will cause noise and trespassing issues, which is especially bad when its that close to private property where children are living. This will also cause some of the magic of the camp to die out, as part of the experience is that you're outside and completely disconnected from the real world. Again, this is a very bad idea for ever who lives nearby, as the noise, light, and traffic issues will make their everyday life harder. Please keep in mind what you will be doing to hundreds of people if you decide to go through with this project, and keep all of this in mind as well while making the final call.

Thank you for your time,  
Leo Strachan

**From:** Nancy Daher <[nldaher48@gmail.com](mailto:nldaher48@gmail.com)>  
**Sent:** Thursday, October 26, 2023 4:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

To Whom It May Concern,

I am against the casino on Shiloh and Old Redwood Highway because it is in a residential neighborhood, it is a 2 lane road and there is a county park right across the street. Also the fire barrier created by the vineyards will be removed and the roads could not handle an evacuation from a fire, like the Tubbs fire. It is not an appropriate location for a casino.

Thank you,  
Nancy Daher

Sent from my iPhone

**From:** Dale Webb <[dalewebb@sbcglobal.net](mailto:dalewebb@sbcglobal.net)>  
**Sent:** Wednesday, October 25, 2023 3:52 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Chad Broussard,

If one were to set out to pick the most horrific spot possible in Sonoma County which to locate the Koi Nation casino project, this would be it. I live and breathe and have my being a very short distance from the proposed sight and have a life and death interest in the outcome.

The site maps for the project tell the story of what is seen and not seen about this project. When I look at proposal documentation of the site, I can understand why outsiders may see only a chunk of land to be sold to the highest bidder. That is what is seen by outsiders. If you live here, you see green space, open space, a much-needed fire-break in an area prone to wildfires. If you think that is hyperbole, take note of the growing number of insurance companies that are refusing to renew policies or write new policies in this area. Some companies are pulling out altogether. They aren't stupid. Neither am I.

The maps of the project are drawn so tightly that you really get no sense of the community at all, and therefore, existing community is utterly disregarded:

Directly across the street from this proposed monstrosity, just across a narrow, two-lane country road named East Shiloh is a community park where the children play, Esposti Park. Right next to the park to the east is a housing development of some size. Would that be the place where you would choose to raise your kids? Perhaps. Nice park, nice neighborhood, at least until the proposed monstrosity came to town. Who wants to live directly across the street from a monstrous casino? Do You?

Just across the street on the Old Redwood Highway side is a neighborhood Church, and as I understand it, the main entrance to the casino is directly across the street from the worship center, now, with an ample view of the vineyard. Under the proposed plan, the vineyard is gone, likely replaced by neon signs advertising a casino. Do you really want to approve dropping this enormous monstrosity, complete with a 5,000-space parking lot right on the doorstep of a church? Really?

Another thing we don't see on the map is schools. I know of at least one school in the area. "Nothing like a 544,000 square foot casino with 2,750 gaming machines, and the absolutely necessary 5 bars to teach our children well!" said absolutely no one in the area. The opposition at the hearing was virtually unanimous. In fairness, a representative of the Koi Nation did offer support, but that doesn't count for much. Of course, they support their own project. But they don't live here! By their own admission, their ancestral lands are in Lake County, the original Rancheria over 50 away. This is not their tribal land.

Beyond that, the trade union had a few folks who weighed in, after securing a promise that the tribe would use union labor to build the monstrosity. I detect the scent of narrow self-interest on the part of the union, and not much more. Beyond that, the resistance to the proposal was strenuous and relentless at the BIA hearing on Sept. 29<sup>th</sup>. I listened to hours of testimony at the BIA community hearing. No other support was heard, not one peep. Every, and I mean every municipality and elected leader flatly opposes this project. The Town of Windsor, The County of Sonoma, state and national elected officials all oppose it.

Another thing not seen—again, out of view. Just immediately west of the project is a 250+ unit apartment complex that is under construction and nearing completion. We have traffic congestion already and are about to add vehicles associated with over 250 housing units. This is not shown on the project maps, either but it is not going away. Even more high-density development is underway just west of that, all of this standing between the casino site, numerous communities and mobile home parks and the only real escape route, Hwy 101, in the event of fire. Someone who suggested that casino visitors and guests at the 400-room hotel could evacuate first, clearing the way early for the rest of us. Really? No one who lives in the area could think of this as nothing more than very thinly disguised self-interest. Totally absurd! If Cal Fire can't put out the fire, I think that we can rest assured that a puny casino fire department can or will

Here is another thing that is not seen: the chronic conditions of drought. This is an area where a great many homes use wells. We are keenly aware that water does not come from nowhere, and we are very drought conscious. It is not at all uncommon for people to remove thirsty landscaping and replace it with drought-resistant plants or nothing at all. Some collect meager rainfall into barrels for irrigation. At the risk of being a bit indelicate, some use captured water from bathing to water indoor plants and flush the toilet perhaps only every three or four visits, take fewer showers and turn off the water when lathering up. Into this immediate context this tribe wants to drop this monstrosity, blithely stating that it will suck up only 288,000 gallons per day. *Per day!* Hotel guests don't care how long their shower is. They flush toilets every time, and fresh linens will likely be available on demand. How anyone can look at the drought-ridden landscape

and say, "No significant impact." defies explanation and is totally without credibility. The truth is, 288,000 gallons of water per day is impact. It is significant. Let's not stick our heads in the sand.

I can reasonably guarantee that more wildfires will come. As quoted in the Press Democrat of September 29, 2023, Heidi Jacquin stated it well, "If you aren't moved by water, traffic, schools, churches, wildlife, the creek, maybe you would be moved by death." If you approve this project, people will die because of it. More deaths than would otherwise occur during the next wildfire. Wish as the Koi Nation might, their guests, right along with community members will not be somehow magically immune. This proposal is absolutely insane.

Say "Yes!" to life by just saying "NO to this disastrous, colossal abomination!" I urge you, I beg you. Just say no.

Dale L. Webb

123 Shamrock Circle

Santa Rosa,, CA 95403

**From:** denyse specktor <[denysespecktor@gmail.com](mailto:denysespecktor@gmail.com)>  
**Sent:** Thursday, October 26, 2023 10:16 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino"

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

No Casino!  
Bad idea  
Wrong bad dumb STUPID for our family oriented neighborhood.



Please do NOT build here  
Thank you.

**From:** Geoff Coleman <[geoffreycoleman@aol.com](mailto:geoffreycoleman@aol.com)>  
**Sent:** Friday, October 27, 2023 9:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Shiloh Resort and Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

I appreciate the opportunity to offer the attached letter in response and opposition to the Koi Nation Shiloh Resort and Casino project in Sonoma County and the environmental impact report prepared for this project, which fails to adequately mitigate the impacts of this development.

Thank you,

Geoff Coleman PE, LS, CDT  
**One attachment** • Scanned by Gmail



Chad Broussard  
Bureau of Indian Affairs  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

October 26, 2023

Chad,

I am writing today to express concern, as a 39-year resident of Sonoma County, a registered professional engineer, a licensed land surveyor and college engineering/land planning professor, about the casino proposed along east Shiloh Rd in the unincorporated area of Sonoma County. I am not opposed to the concept of a casino, but am bewildered how any responsible entity could consider urban development at this location, let alone a casino of this magnitude. This is a selfish and blatant disregard to the environment, neighborhood and our community.

The County of Sonoma and Town of Windsor, which this proposed monstrosity of a development borders, have active policies in place that prohibit development of this nature. The land use designation in the Sonoma County General Plan "Land Intensive Agriculture" was created to enhance and protect lands best suited for permanent agricultural use. These policies are established to promote responsible growth and prevent urban sprawl in accordance with the Local Agency Formation Commission's (LAFCO) policies.

It would be an irresponsible violation of these policies and completely inappropriate to build a casino in a residential area with our families and schools, inviting crime, drugs and prostitution, particularly when the residents of Sonoma County relied upon these policies and the actions of our Board of Supervisors approving them when purchasing their homes and nesting in this area. A development of this nature is not allowed under the California Environmental Quality Act (CEQA) and would not be permitted if proposed by any other entity, so I'm astonished that this is even being considered. In summary:

- The casino would introduce unwelcome noise, odors and light pollution which violate the County's policies. The environmental impact report suggested the development would fund dual pane windows for residents adjacent to the entry road who request them. However, this isn't sufficient to mitigate the additional noise hundreds of other nearby residents will be forced to endure. Lighting will be downward facing and shielded, but this doesn't mitigate the impacts generated by light cast from 4 story structures which this development proposes. The environmental impact report also fails to adequately address how odors from the wastewater treatment plant will be mitigated.

- Shiloh Road is currently operating at a Level of Service of "D". The Press Democrat noted that the casino would bring 1,100 employees and draw 20,000 people a day, degrading the Level of Service to an unacceptable level.
- California now evaluates the environmental impact of a development based on the number of vehicle miles traveled when accessing a facility (VMT). Adding 1 vehicle a day for an unplanned land use would violate this policy. The casino will bring 20,000 people a day, substantially increasing VMT and greenhouse gas emissions. The traffic consultant for the casino side stepped this impact noting there isn't a VMT model for casinos, so they allegedly can only evaluate the impact created by employees which we all know generate a very small percentage of the number of vehicle trips this development would draw. Even when limiting their VMT analysis to employees alone, they noted these few trips would have an impact on VMT.
- Shiloh Road is planned as a 2-lane road with a single travel lane in each direction in the Town of Windsor's governing documents. Development is progressing along this corridor based on traffic counts supporting this configuration. Most roads in Sonoma County are built by the developments fronting them. It would be an unfair burden for the Town to require all property owners along Shiloh Road to give up right of way, and build a wider road as a condition of their respective developments, purely to benefit the casino. The environmental impact report noted the development would pay their fair share for traffic improvements, but didn't identify what this entails. Any other development of this magnitude would be required to completely fund the acquisition of right of way and the improvement of Shiloh Road from the development to Highway 101 as a condition of development.
- Sonoma Water and the Town of Windsor provide sewer service to the unincorporated area of Sonoma County and the residents of the Town. Their facilities do not extend, nor were they ever planned to accommodate the waste discharge from the casino. Therefore, the casino would have to build their own sewage treatment plant in the back yards of our residents, bringing unsightly facilities and unwanted odors. The Casino is proposing uses that may generate up to 400,000 gallons of wastewater daily. Even considering a use that draws enough people to generate this much wastewater at this site is preposterous.
- The Town of Windsor and California American Water provide potable water service to this area for drinking, irrigation and fire protection. Their facilities do not extend to, nor were they ever planned to serve this site. Therefore, the casino would have to drill their own well(s) and further diminish groundwater supply in this area. The

environmental impact report noted they intend to drill deep wells to help ensure they have enough water and to mitigate the impacts of their wastewater groundwater recharge efforts. California American Water and Sonoma water have wells in this area to serve the existing residents and would be forced to compete for this water, drilling new deeper wells and passing these costs along to existing residents.

- The casino is proposed immediately adjacent to a Wildland Urban Interface Area (WUI). We have observed two devastating fires in this immediate area in the last 5 years. Residents attempting to flee their homes during the Tubbs fire, which took more than 5,600 structures in a matter of hours, were grid-locked in traffic trying to lead their families to safety, down the only viable evacuation route for many local residents. The Casino will eliminate an existing agricultural greenbelt and provide additional strain on our roads and ability to seek refuge during emergency events.
- Although Sonoma County residents are in dire need of housing, Permit Sonoma won't allow a residential lot to be split to build another home within a WUI area as a life/safety precaution, but developers want to build a casino?
- The local water supply network is designed to provide approximately 1,500gpm for firefighting. California American Water's tanks ran dry when fighting the Tubbs fire. A development of this magnitude having wood framed construction would require a flow rate of 8,000gpm (4,000gpm for sprinklered buildings). The local water purveyors don't have the capacity for this or the infrastructure to support this flow rate. Therefore, the casino will need to build their own tank or tanks which may require more than 500,000 gallons of water if computed using NFPA1142. However, this code wasn't intended to be used for sizing firefighting facilities in an urban design setting. When considering the California Fire Code, the water tank storage requirement could approach 1 Million gallons, even for sprinklered buildings.
- Pruitt Creek traverses the proposed casino property. Even if the property could be developed, our local land development policies require that the creek be preserved and enhanced with landscape and development be setback from the creek.
- Sonoma Water, our local flood control agency and the Town of Windsor, in their Stormdrain Master Plan, identify Pruitt Creek as being incapable of handling the design storm event. The existing mobile home park and other downstream residents already experience flooding during inclement weather. The northbound

Shiloh Road off ramp at Hwy 101 also floods and experiences closures on a regular basis. Substantially increasing the amount of impervious surface upstream will add runoff and create exacerbate flooding. A development this size might generate as much as 100cfs (~45,000gpm). This might require a 2-acre detention basin to help offset and mitigate the additional runoff. However, as an existing low laying agricultural use, the site already floods, providing several acre-ft of attenuation, protecting downstream properties from inundation. Therefore, development of this site will remove this needed amenity, requiring further mitigation. The combination of filling the site, removing the ability to attenuate water and adding impervious surface might require a 5-acre detention basin.

- The Russian River and its tributaries, including Pruitt creek are listed as impaired water bodies under the Clean Water Act. The State of California requires that development draining to these tributaries treat and infiltrate stormwater. A development this size could require 4-acres of bioretention, aside from the requirement to temporarily detain the peak runoff to help mitigate flooding.

As may be gleaned from the summary above, Shiloh Road is the wrong place for a casino, creating an unsafe environment for our residents on multiple levels. I am bewildered how a development of this magnitude proposed on this site made it as far as it has through our government process. I reviewed the environmental impact report and as a professional in this industry would be embarrassed to have my name associated with the measures their consultants think will be adequate to mitigate the impacts of this development.

I don't understand why the BIA would consider giving priority to a tribe that doesn't have roots in this area, allowing them to partner with a financial enterprise to irresponsibly and harmfully destroy an entire community and I would be equally bewildered if the BIA finds that their environmental document adequately addresses and mitigates the impacts of this development.

Respectfully,



---

Geoff Coleman PE, PLS, CDT

**From:** Geoff Coleman <[geoffreycoleman@aol.com](mailto:geoffreycoleman@aol.com)>  
**Sent:** Friday, October 27, 2023 12:57 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation Casino in Sonoma County

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Chad,

Thank you for the opportunity to comment on the EIR for the proposed Koi Nation Casino in Sonoma County. The EIR notes that they intend to contract with local law enforcement and emergency services but didn't quantify the amount needed to accommodate these services which is likely to be in the millions of dollars. Instead, they noted if they fail to reach an agreement that they would retain private security and staff their own firefighters. However this doesn't mitigate the majority of the impacts that will be increased crime and medical calls in the area surrounding the casino. They need to contract with local agencies to truly mitigate impacts and an amount should be negotiated and noted in the EIR prior to adoption.

Thank you,

Geoff Coleman

---

**From:** Sasha Fuller <[sfuller1224@gmail.com](mailto:sfuller1224@gmail.com)>  
**Sent:** Friday, October 27, 2023 10:23 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Hello,

This email is to object to the Shiloh Resort and Casino.

I currently reside in the neighborhood across from the planned location. In the report it noted that they were supposed to widen the road on Shiloh to 4 lanes in 2032 even though the planned opening of this location is 2028. The traffic congestion that will be caused at an already crowded intersection of Old Redwood Hwy and Shiloh Rd, would create increasing delays just for those living on Shiloh Road to get to and from their homes. Especially in an emergency how would this work? Regardless of if they are required to evacuate when the evacuation level is voluntary, this would still cause additional hazards to those living in the area. Widening the roads wouldn't work regardless of what is forecasted. Due to the numerous residential buildings being built in the surrounding area it would not provide the relief the environmental study says it would.

There's already a low income housing apartment complex being built down the street and an additional one on the other end of shiloh. The traffic and congestion by putting a casino here will be multiplied even more tremendously and it will greatly have a negative impact on the surrounding areas.

There was also a recommendation to utilize the Sonoma County sheriff's for assistance with law enforcement. The sheriff's office is already suffering from short staffing and only has around a 25% success rate of hiring staff. The fact that local law enforcement would be pulled away for a casino would cause additional shortages throughout the area.

This would also affect the well water supply of those in surrounding areas, the creek that runs through the planned area and the wildlife that roam this area.

The tribe claiming to be able to build here because they have ancestral ties is false as well.

This casino would also greatly affect the housing costs in surrounding areas, increase crime, have increased substance abusers in surrounding areas, and increase wreckless driving and traffic in a place surrounded by children and wildlife.

Please don't approve this casino. This is a neighborhood. And a home to wildlife. And a safe place for children to play and families to build a life.

Thank you.

S. Fuller

**From:** erin clark <[erinclark10@gmail.com](mailto:erinclark10@gmail.com)>  
**Sent:** Monday, October 30, 2023 10:04 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] No Casino in Windsor CA

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

My husband and I lost our home to the Kincaid fire in 2019. We lived approximately 1.5 miles from the proposed Koi nation casino. The area was a nightmare for many weeks after the fire. We still have not been able to rebuild due to several issues but we do plan to return to our property someday. We now are renting approximately 2 miles from the proposed casino. We do not want to see a huge complex built in this residential area for many reasons. However the main reasons are drought and fire. Unfortunately for Californians today fire is here to stay, and drought is the new normal. We do not want to live through that type of disaster again and with a huge influx of people staying at the proposed casino lives will surely be lost. Sonoma County does not need yet another casino. River Rock casino suffered greatly when Graton Rancheria built their casino in Rohnert Park and now Graton is planning to double their size. Any new casino will surely not be viable compared to the other two options available to patrons. Please do not let the Koi nation proceed with this folly of an idea.

Very Sincerely,

Erin Easton Clark  
825 Leslie Road  
Healdsburg, CA 95448  
707-953-7034



## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 8:04 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

### Name

Laura Ruiz

### Email

[laura28ruiz@yahoo.com](mailto:laura28ruiz@yahoo.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 10:21 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Verna campbell

### Email

[mzverna@gmail.com](mailto:mzverna@gmail.com)

### Comments

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Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 12:07 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Victoria

### **Email**

[sourdough5@sbcglobal.net](mailto:sourdough5@sbcglobal.net)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 2:18 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

### **Name**

Lev Gutman

### **Email**

[lev.gutman@yahoo.com](mailto:lev.gutman@yahoo.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 4:14 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Erlinda

**Email**

[Ediala@sbcglobal.net](mailto:Ediala@sbcglobal.net)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 1:02 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

**Name**

Edwardbreslin@gmail.com

**Email**

[edwardbreslin@gmail.com](mailto:edwardbreslin@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Thu 10/19/2023 8:11 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Sandy Kummer

### **Email**

[sandybarajas18@gmail.com](mailto:sandybarajas18@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/20/2023 4:18 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Cecilio Draculan

### **Email**

[leodraculan1122@outlook.com](mailto:leodraculan1122@outlook.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.



**S-I198**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 12:54 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Timothy Farris Sr

**Email**

[Timfinish@aol.com](mailto:Timfinish@aol.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 6:51 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Michael Smith

### **Email**

[Mikobsmith1@yahoo.com](mailto:Mikobsmith1@yahoo.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 4:08 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Janice Quan

### **Email**

[jlquan888@gmail.com](mailto:jlquan888@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 9:06 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Todd Ashman

### **Email**

[tashbrew@gmail.com](mailto:tashbrew@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/22/2023 11:30 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Gil Minjares

### **Email**

[minjar02@yahoo.com](mailto:minjar02@yahoo.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/21/2023 8:53 AM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

### **Name**

Benh Lama

### **Email**

[benhlama@gmail.com](mailto:benhlama@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Mon 10/23/2023 3:41 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Sheena EstherMarie Vergara

### **Email**

[teetee8434@gmail.com](mailto:teetee8434@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 5:53 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Alejandro Alejandro

**Email**

[arrescurrenagamoriluis@gmail.com](mailto:arrescurrenagamoriluis@gmail.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 12:00 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Cheech JR

### Email

[cheech415505@gmail.com](mailto:cheech415505@gmail.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Tue 10/24/2023 9:08 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Mikaley Monlo

### **Email**

[Mikaleymonlo@yahoo.com](mailto:Mikaleymonlo@yahoo.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/27/2023 3:34 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Jose sanchez

### Email

[sanchezant@yahoo.com](mailto:sanchezant@yahoo.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 9:41 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Husam ahalim

### Email

[s.ahalim@yahoo.com](mailto:s.ahalim@yahoo.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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**S-I210**

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 3:45 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

**Name**

Mello Masalunga

**Email**

[jemasal@yahoo.com](mailto:jemasal@yahoo.com)

**Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 11:03 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

### **Name**

Zachary Adams

### **Email**

[zadams@gmail.com](mailto:zadams@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
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Washington DC 20240

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## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Fri 10/27/2023 7:49 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Arthur Seagraves

### **Email**

[art218@gmail.com](mailto:art218@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sat 10/28/2023 10:35 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Felix alden Mandap

### Email

[felixaldenmandap@gmail.com](mailto:felixaldenmandap@gmail.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.



**From:** Patricia <[pa-k@att.net](mailto:pa-k@att.net)>  
**Sent:** Friday, October 27, 2023 11:50 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Cc:** [pa-k@att.net](mailto:pa-k@att.net) <[pa-k@att.net](mailto:pa-k@att.net)>  
**Subject:** [EXTERNAL] Please Say NO to the Koi Casino Project

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

**One attachment** • Scanned by Gmail

**My name is Patricia Arnold-Kempton.**

September 9, 2023

I live on East Shiloh Road. The driveway to your proposed casino, or the parking lots for it, likely will open right across from the driveway to my home. You are proposing to create a nightmare for me and my neighbors.

I grew up in Las Vegas, Nevada. I still have family there. While I was growing up, casinos in Las Vegas morphed from picturesque resorts to bulging, neon, and plastic monstrosities.

Our father was in the casino business, back in the day when Las Vegas fashioned itself to be an elegant gaming mecca much like the better era of the high-end casinos of Monte Carlo.

Long driveways led casino goers past beautiful landscaping to the elegant hotel and casino buildings.

For years, Las Vegas lived two very separate lives, ONE WORLD, of course, showcased the glitz and glamour of the uber-elegant Strip, which, at that time, by order of the town's city fathers, was intentionally located WAY Out of Town on the highway leading to Los Angeles and Hollywood, far away from homes and schools, churches, and neighborhoods.

The underbelly of that same world began growing downtown: There also grew up within the five-block-long section of Fremont Street, with its gritty carnival atmosphere of the Old West Frontier gambling halls, the pawn shops, tattoo parlors, thinly disguised sex shops, and other dubious and unsavory businesses.

People in Las Vegas, whose homes fronted on Fremont Street just one block east of Fremont and Fifth Street, knew the side streets and alleyways near their homes were steadily growing unsafe. Petty thievery, home-invasions, prostitutes and the destitute, wandering their neighborhoods, led people living within blocks of downtown Fremont Street to sell out and move away to keep themselves and their families safe. Because their neighborhoods were becoming blighted by the influx of gamblers and their camp-followers, those Homeowners fleeing the casino row areas typically sold at a loss, their misfortunes coming in the wake of a Gamblers' Paradise.

Slowly, the long-term residents of the old Las Vegas, moved farther and farther away from the downtown gaming area, because even then it was not truly safe to be on the streets at certain hours of the night.

Out on the glitzy Strip: Back in those days, many of the high-end casinos had a policy of cutting off gamblers who were seeking to hock every possession they had. Then, those unfortunate gamblers were sent away; they were told not to return.

And two, there was the Other Neighborhood WORLD of Las Vegas, the one I knew as a Child: the ultra-conservative neighborhoods supporting local families and strong family values.

Unfortunately, and overtime, big corporations purchased interests in the Las Vegas and Reno casinos, expanded the most lucrative gaming devices, such as the slot machines, and digital poker machines. The Casino Hotels of old were ripped out and rebuilt to cover every inch of property, to haul in every penny and dime from the endless stream of gamblers who came hoping to win, and left, mostly as losers.

The same thing happened in Reno, and elsewhere in Nevada. And it probably happens around nearly every card room or casino here in California.

Gamblers, and gambling addicts were, and continue to be, fleeced, or bankrupted in ever-increasing numbers.

People drive from miles away to gamble in Nevada. And here we see a constant flow of busses bringing scores of gamblers to the existing California casinos. We know that will happen here on Shiloh Road and Fought Road, as well.

For too many decades thousands of people have lost every dollar they had, many have hocked their jewelry, many have hocked their vehicles, and found themselves with no means to return home. From gambling, too many marriages have been destroyed, children's lives torn apart, families ruined. Many failed gamblers and their families have had to turn to the lowest forms of crime in order to survive. Don't we have enough homeless living all around us as it is? Do we need to build a venue having the potential for creating even more?

If you truly believe there still must be more casinos, can you not at least locate them away from long-established neighborhoods?

Many bankrupted gamblers become overnight homeless, living in the corners of the casino's parking garages, ducking the casino's private security. Many of them join tent encampments wherever they are able to find shelter. I am not telling you urban legends. I am speaking from fact. I grew up around casinos, due to my father's business. Until recently, both my brothers worked in the casino hotel business, one in Las Vegas, one in Reno.

There can be no one in the office of the City Council, or the County Board of Supervisors, or the office of Environmental Assessment, who has not seen for themselves what areas around casinos become.

When one steps outside most Reno or Las Vegas casinos, there is, in line of sight, a plethora of pawn shops, and businesses offering to loan money for vehicles, even bicycles, or to make other questionable loans to the desperate gamblers – Years ago, those same locations in downtown Reno and downtown Las Vegas were mostly homes, restaurants, shops and theatres, all gone now, all replaced by more casino property and by more sites that prey upon gamblers, and all the other unfortunates who ply their various sorts of shady trade in the dark recesses nearby.

Perhaps the KOI Tribe casino will be limited by its newly minted pseudo-ancestral Reservation. But the camp-followers will invade as well. They will add to the degradation of our community, forcing those of us who have lived here for years to sell, probably at a loss, and possibly be forced to leave California because we will not be able to replace what we have now for a price we can afford now.

All of us are familiar with the scourge of smog, the grim miasma that plagued many California towns until Clean Air Acts were put in place.

**Casino Smog is a thing:** There always hovers, in the air around gambling centers such as Las Vegas and Reno, and even near other local California casino operations, an unseen miasma of misery, an emotional fog of despair and desperation. Gamblers down on their luck, people who have lost more than they have, people seeking loans at horrific interest rates.

Anyone can feel the sense of desperation exuding from those hoping to win back what they have lost.

### **THE CASINO IS THE HOUSE –and - THE HOUSE NEVER LOSES.**

The Casinos take, and keep, from 30 cents to nearly 40 cents of every dollar laid down for a bet. The remaining 60 cents is what is used to pay out to the 'winners.'

For anyone to win big, a lot of gamblers must lose big. As I said, the House never loses.

Now big money from somewhere, wants to put one of those places right here, right in the middle of our neighborhood. Clog our country roads with tourists, delivery trucks, and resulting homeless, and the underworld characters who most certainly will come to prey on the tourists, the gamblers, the winners, and the losers.

Then we will see them streaming into our quiet family neighborhoods, the other predators, the camp followers that are part of the stock in trade of the casino neighborhood. We will see the inflow of prostitutes, male and female, who ply their trade at all levels of wealth or poverty. We will see the destitute and the newly destitute strolling past our homes, drunkards, drug-addicts, relieving themselves, and sleeping on our front yards, and in the nearby parks where our children play, where families gather on Sundays.

We will see the streets outside our homes lined with vehicles not only for the visiting gamblers, but also for the marginally housed forced to live in their travel trailers, campers, and cars.

Those street-liner live-ins will be using our front yards for bathrooms and garbage dump locations. Those of us that have a small family garden will see passersby helping themselves to the fruits and vegetables we raise to feed our families.

Many of us depend on wells for our water for ourselves and for the food we grow. A large mega casino such as is being offered here, likely will suck out what water may be available to us.

The risk of stream bed and water source contamination is very real

All those people, all those buildings, and the sewer lines that will drain them, will be going beneath, or very near our creeks and streams. An 'oh, we are so sorry that happened' .....sewer spill is inevitable. The leak will happen, and it will be too late to do anything about it other than watch our beautiful environment die an agonizing death.

Even before the inevitable sewage pollution, there most certainly will be light pollution. We will be forced to install blackout draperies on our windows to keep out the bright lights of the casino and the parking lots.

We will lose the gorgeous night sky to light pollution that you promise won't be a problem; but even you must know already that it will.

We will lose the wildlife that drew us here and that is precious to us, the coyote, foxes, raccoons, the rabbit, the squirrel, the hawks, the owls, the falcons, the quail, even the frogs and the fish, and so forth, all will be forced to move on to make room so outside interests may move into our midst and spoil our lives.

### **FIRE DANGER**

The **Fire Danger** in our community is an enormous elephant in the room. The fire danger has not gone away. I believe it is here to stay. I was here in the middle of the 2017 fire and the ones that followed. On two occasions, huge cinders flew overhead, and in the last big fire, the flames came within a quarter mile of our home.

The developers need only look at Coffey Park, Fountain Grove, and Wickiup, and the area next to Kaiser Hospital on Old Redwood Road to see how flaming cinders flew several miles before burning to the ground the wide swaths of homes in all those areas.

With the narrow roads, evacuations were difficult, some people fled on foot because they feared the line of vehicles on the road in front of them would not get out of the way in time. Their vehicles burned and melted into the road, leaving streams of aluminum and other metals embedded into the roads and driveways.

We heard that the casino interests assure us they will use their employees to direct traffic away from the fire and ensure everyone can get out safely.

**This insults our intelligence.** If there is a wall of fire coming down Shiloh Road, the Casino's employees are not going to stand in the intersections directing traffic until the last vehicle exits safely – unless they are actually fully trained firefighters or law enforcement, those employees, just like everyone else, will be running for their lives. And those employees, just like everyone else, will hope to be among the fortunate who get away from the fire first. They will be at the head of the line.

#### **ARE THERE BEHIND CLOSED DOORS DEALINGS WE SHOULD KNOW ABOUT:**

Should we Owners have reason to suspect there may be secret, not-yet-revealed long term plans for outright land grab by Sonoma County for the benefit of the Koi Indian Tribe? –

Can the County or City Officials reveal what tax breaks and other fiscal concessions are the public officials preparing to make in favor of the Koi Indian Tribe? And at Taxpayer Expense?

Or may we know whatever onshore or offshore consortium may be funding the development of a casino complex in our community beyond the Midwest Native American corporation that helps other native American groups find land for casinos?

Does Sonoma County and the City of Santa Rosa, and the Carpenters' Union have plans for future property confiscation so more buildings may be built, keeping carpenters busy....carpenters whose homes likely are nowhere near Shiloh Road – (We heard pleas from 'carpenters' and their family members who admittedly do not live anywhere near here, saying the casino will be good for the economy, that it will provide good jobs to carpenters.) **Please get their names and addresses, build your casino near them.**

In what other ways will this proposed project benefit City and County Officials, and carpenters, and other workmen, people whose property values won't go in the tank as the KOI Tribe casino complex grows like a giant carbuncle on our neighborhood?

Will we witness the specter of eminent domain removing some or all our property from us in the name of progress, if 'progress' is a casino complex?

What does the County have in mind for fire storm evacuation? If the casino is built, will the roads around us be widened to four-lane or six-lane thoroughfares? To do that, will the County's next step be to declare imminent domain, and take our homes to make space for wider roads, and more parking for the casino enterprise?

#### **SOVEREIGN NATION: NO TAXES, ITS OWN LAW ENFORCEMENT, ITS OWN COURTS –**

Is it the County's plan to force us all to move out so the Koi Nation may move in, and take our land and our homes?

Those of us living in this community that have homesteads or who have Reverse Mortgages will be the biggest losers. The dregs of society will invade our property, many will feel free to burgle our homes and property to find things to hock so they can continue to lose money to the casino. Our property values will suffer.

My husband and I shopped for a long time to find the perfect place to create a home for our family. We have worked hard to make our home and our property a thing of beauty, a haven, a gathering place for our children and grandchildren.

Your proposed casino will steal that from us.

Your proposed casino will fill our night air with police and fire sirens, and the endless stream of traffic, the casino tour busses, the delivery trucks.

Many of the people your proposed casino will attract will make us much less safe in our own homes.

Your proposed casino will uproot families, negatively impact our children's schools, our neighborhood churches, ruin our beautiful parks and community, and it will change forever, this lovely part of Sonoma County.

**I implore you to say NO to the plan the Lake County KOI Tribe has in mind for us.**

I implore you to protect my rights as a citizen of Sonoma County, a Tax payer, and a homeowner.

I implore you to think of the people who live here now and who voted you into office. I implore you to put our interests ahead of a business group from out of the area that seeks only to find a place to plant a land-gobbling casino business that will harm the people already here.

Patricia Arnold-Kempton  
5899 Caporale Court (also shown as 189 E. Shiloh Road)  
Santa Rosa  
925.381.0885  
pa-k@att.net

**From:** Kayla Patane <[patanekayla@gmail.com](mailto:patanekayla@gmail.com)>  
**Sent:** Saturday, October 28, 2023 8:56 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Casino in Santa Rosa on the Windsor Border

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To whom it may concern,

I am writing in regards to the negative impacts of the proposed casino on the location of Old Redwood Highway in Santa Rosa. As a longtime Sonoma county resident, I have observed the impacts of various casinos around our cities: Graton, River Rock primarily. These two do offer a myriad of jobs for individuals in the area, however, both are in locations that are more remote and removed, not in any way heavily impacting their surrounding neighborhoods or communities. The traffic impact alone in this new proposed site will be extremely detrimental to an already very congested area. In addition, the fact that is is right adjacent to not only apartments, houses and neighborhoods, it will also be across from a very busy park that is filled with young children playing all different sports. The idea of having a casino across the street is devastating and a disgrace to these young children. The drinking, smoking, and drug use that often accompanies casinos is not welcome near this location filled with young families and children. It would cause a severe decline in the value and young population interested in growing their families in a once safe area.

I am really hoping a more appropriate location is found that will be more removed and have less impact on this area.

Thank you for your time in rational considering all of these important points.

Kindly,  
Kayla Patane

**From:** Chris Thuestad <[chris2esta@comcast.net](mailto:chris2esta@comcast.net)>  
**Sent:** Saturday, October 28, 2023 10:06 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation's Proposed Casino in Sonoma County

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Mr. Broussard,

The Koi Nation bought a 68-acre property near Windsor, in Sonoma County, CA and announced its intentions to open a new casino there. I am deeply concerned about this for a number of reasons and feel that this should not be allowed to happen.

The proposed casino is at the corner of Shiloh Road and Old Redwood Highway. From that intersection, there are two traffic lights on Shiloh Road to get through in order to get on Hwy 101, the main freeway. It can already take up to three turns of the lights to get through those lights, and another light beyond the on-ramp to Hwy 101 can also cause traffic to back up. This is a two-lane road that is already inadequate for the existing traffic. There are several high-density housing developments currently under construction on both Old Redwood Highway and Shiloh Road, and several more lots are posted with signs indicating that they are also ready for development. The traffic study done by the Koi Nation didn't include any impacts from the new developments already underway or from the planned developments. The southbound traffic on Hwy 101 is already bad during the commute hours, stop and go from Windsor to and beyond Santa Rosa. We've been told the Graton casino in Rohnert Park gets 20,000 guests a day. If the Koi casino is even larger, what will that do to the street traffic in Windsor and the freeway traffic heading south? It will be a nightmare.

The proposed site is in a high fire danger area that has been forced to evacuate for wildfires or been put on alert for possible evacuation several times in the last six years. When we had to evacuate during the Kincadee fire in 2019, my husband was at Home Depot on Shiloh -- it took him almost an hour to get back to our house which is just a mile away. According to MapQuest, it should only take 4 minutes! Adding a casino to the area with around 2,000 employees and an untold number of guests is insane. When the next wildfire goes through, people could die in their cars like the tragedy that happened in Paradise, CA.

I'm also concerned about water usage. In addition to a gaming area, the proposal includes six restaurants, a spa, and a 400-room hotel. We don't have enough water for the people who are already here let alone for all these extra people. The scientific community has warned that our droughts will increase in frequency and duration. During the recent multi-year drought, we were headed to a real disaster until the rains finally came last season. I've heard that the proposed casino will put in a 700'



well and pump out something like a quarter of a million gallons of water a day. Not only will all the existing wells in the area go dry in the next drought (or before), there could be problems with ground subsidence leading to property damage. Once the land is taken into trust, there won't be anything anyone can do about that. We've already been told to replace our toilets, dish washers, and washing machines. We've been asked to pull up all our water-intensive landscaping. We've been required to only water our lawns on certain days each week, not to wash our cars in the driveway, and to cut our usage by as much as 20%. What's next? No showering? No yards at all? No drinking water?

When the Graton Casino in Rohnert Park opened for business, it cannibalized 50 – 70% of the River Rock Casino's business in Geyserville according to the Press Democrat. The Koi Nation is a Lake County tribe with roots 50 miles away yet they bought land in Sonoma County just about half way between two existing casinos owned by Sonoma County tribes – and I don't think that was a coincidence. They plan to take business away from the two Sonoma County casinos. There are two other local tribes in the area that have expressed an interest in building casinos. The Koi Nation may have the right to build a casino in California, but it needs to happen on their own ancestral land. It isn't fair to the local tribes to have to compete with them.

The proposed site is right next to housing developments and a church, and less than a mile from an elementary school. That is a horrible choice for a business which will bring more traffic, crime, noise, and light pollution. Admittedly, the treatment of Native Americans in this country hundreds of years ago was terrible, but the people who own houses across the street from the proposed casino aren't responsible. They will be severely impacted by this casino, and their property values will plummet. How can it be fair to let a ninety-member tribe from outside the area take so much from so many people?

No one wants to live by a casino! Everyone who lives in Windsor will be impacted by the increase in traffic, noise, and crime, and many will see a sizable reduction in their property values. We already don't have sufficient water or adequate roads. The Graton and River Rock casinos will see a significant reduction in their profits taken by a tribe from another county. Please, please do not allow the Koi Nation to build this casino in Sonoma County!!

Respectfully,  
Chris Thuestad

**From:** Suzanne Calloway <[suzannecalloway@yahoo.com](mailto:suzannecalloway@yahoo.com)>  
**Sent:** Sunday, October 29, 2023 9:24 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

From: Suzanne Gillen Calloway 531 Coachlight Place, Larkfield/Wikiup (unincorporated Santa Rosa)

I have lived at my home on Coachlight Place, in the Larkfield/Wikiup neighborhood that borders the proposed casino, since 2002.

I am also an elementary school teacher at San Miguel school on Faught Road.

I attended the Zoom discussion of the EA "report" and am following up to express my deep concern about this proposed project.

The report seems to gloss over some very major issues (and when I learned at the meeting who did the "research", I am not surprised).

Between the roads and resulting fire evacuation impossibilities, the proximity to an elementary school, and the lack of infrastructure in our unincorporated area, it is absolutely mind-boggling to consider a project like this at this location.

Having lived through the Tubbs fire and the Kincade fire, evacuation is absolutely a life and death situation. In fact, as I write this, we are in a Red Flag warning. Attached is a photo taken on my cul-de-sac on the night of the Tubbs fire. Those flames are directly behind our street, in direct line to the proposed casino property. We barely escaped. The local roads were clogged with just the residents of this little area. Then in 2019 (Kincade) although we had more warning, the freeway was still gridlocked for hours! And the question isn't IF we will have another wildfire, it is WHEN. People will die next time if there are the added thousands of people and cars. We have seen this happen, it is not hyperbole.

Our neighborhood is a bit of an "orphan" area - we are covered by the sheriff's department, not Santa Rosa PD, so law enforcement emergencies take an inordinate amount of time to get a response. The increased crime that will accompany this type of business will go unchecked - the casino security may police their parking lots but what happens when nefarious activities then move to Shiloh Park and San Miguel School? We can't get a sheriff to regularly patrol when we have had incidents now, so what will happen then?

Another example - our roads are finally being repaved after 20+ years, but the project is so mismanaged that it has taken over 4 months and no one at the county level seems to care. (Many residents have called and written.) We have been without proper stop sign and crosswalk markings for this duration, creating a very unsafe situation. Extrapolating to the future, the

increased traffic will not only increase the wear and tear on our shoddy roads and no one will be maintaining or even monitoring them. Another impact will be that Faught Road will be a shortcut to the casino, with thousands of cars passing through a quiet street all day and night, right in front of an elementary school where neighborhood kids walk and bike to school.

There are so many other locations that would have less of an impact on so many lives and less potential for a deadly situation.

I would hope that the Koi tribe could research some of those options and use this property for housing. (There's a great school nearby that their children could attend.)

Please do not allow this project to proceed!

Sincerely,  
Suzanne Calloway



**From:** Lyn Henderson <[lyn95403@gmail.com](mailto:lyn95403@gmail.com)>  
**Sent:** Sunday, October 29, 2023 2:15 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] opposing Casino On Shiloh Rd

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please note our vote in opposition to the casino on corner of Old Redwood hwy and Shiloh in Windsor!!

Lyn Henderson and Bruce Marks  
124 Eton Ct  
Santa Rosa 95403  
Larkfield-Wikiup area  
Sent from my iPhone

**From:** jcarter276 <[jcarter276@comcast.net](mailto:jcarter276@comcast.net)>  
**Sent:** Sunday, October 29, 2023 9:36 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Shilo Resortc& Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Please don't let this project happen.  
This will ruin Northern Sonom County.  
We are an agriculture area specializing in Wine.  
Another casino, along with approved expansion of the other Casinos, will permanently change this county.  
It will be overrun with Casinos & gambling. More DUI's, Crime, & property values start to decline.  
Why does every tribe have to build Casinos where there not wanted.  
This is a massive land grab by the various Indian Tribes.  
Sonoma county has 2 Casinos which are planning on expanding.  
Why can't they have stores, shops, etc.  
Why always a Casino. The tribe can use the land for housing, winery, school, etc.  
Why a Casino with all its related issues.  
That area is already surrounded by homes. Why put a Casino next to a Neighborhood?  
Also the resources a Casino requires.  
By there estimates we're adding a small cities worth of water & sewage into a system that's already taxed.  
Our water tables have been depleted by drought & will continue to be an area of real concern. The requirements of 336,000 gpm flow rate would be devastating to an already burdened system.  
If there has to be anything, at least make it option C, only the hotel & winery. That shows the least use of natural resources.

There's a lot of issues that are not in the environmental report & some of the figures & estimations are biased.  
It looks like Koi nation paid for the report & made sure it was favorable to them.  
After review, that is not an objective report. Looks like there may be grounds to file an injunction to get a 2nd opion.  
Undo influence by the Koi nation.  
That's being looked into.

If approved this will cause an major split between Town of Windsor & the Koi nation.

There will be major issues that will arise.

Regards,  
Jacques Carter  
[Jcarter276@comcast.net](mailto:Jcarter276@comcast.net).  
President of the Windsor Neighborhood Coalition.

Sent from my Galaxy

**From:** ct6k2 <[ct6k2@protonmail.com](mailto:ct6k2@protonmail.com)>  
**Sent:** Sunday, October 29, 2023 9:37 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Koi Nation is from Lake County

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr Broussard,  
Please do not approve of the Koi Nations plans to create a Koi Nation at 222 East Shiloh Road.  
They plan to build a large gaming casino.  
\*They are from Lake County 45 miles away  
\*It would be severely damaging to the residential area that exists close by.  
\*Runoff from parking lots would go into Shiloh Creek, which feeds into Mark West Creek, which has a salmon and steelhead population.  
Thank you for your consideration,  
Chad Thistle  
3529 Deer Park Dr  
Santa Rosa, CA 95404  
707 481 4893

Sent from Proton Mail mobile



**From:** kimberly stone <[kimberly.stone@me.com](mailto:kimberly.stone@me.com)>  
**Sent:** Monday, October 30, 2023 3:00 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Shilo Casino

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I strongly oppose this , this is across from very upscale housing development that's been there for decades, and a family park across the street, also apartments on old redwood , currently under construction , and apartments adjacent both Old Redwood and Shilo are 2 lane roads, traffic is already a mess and the new 3 story apartment on the corner isn't done, limited parking there as well, this oversized casino has no place in our small town

**From:** [kim@brassauto.com](mailto:kim@brassauto.com) <[kim@brassauto.com](mailto:kim@brassauto.com)>  
**Sent:** Monday, October 30, 2023 7:00 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Vehemently oppose the proposed Shiloh Resort & Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Broussard,  
Please add my name to the list of long-time Sonoma County residents who OPPOSES the Shiloh Resort & Casino.  
I've lived here for over 30 years. I've raised family here. I bicycle here. Until I retired, I worked here too.  
What we DO NOT NEED OR WANT is another casino/resort.

Regards,  
Kimberly Simoni

**From:** Rita Nickles <[rnickles@gmail.com](mailto:rnickles@gmail.com)>  
**Sent:** Tuesday, October 31, 2023 5:08 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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Mr. Broussard:

Re. the Koi Nation Shiloh and Casino, I am totally against it.

As a 33 year resident of Windsor I don't think another casino in our area would improve our quality of life. Windsor is a family oriented town, a casino doesn't belong here.

Thank you,  
Rita Nickles

**From:** Lyn Henderson <[lyn95403@gmail.com](mailto:lyn95403@gmail.com)>  
**Sent:** Tuesday, October 31, 2023 9:33 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Indian Casino

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10-31-23

please Let this email show that as a resident of Larkfield since 1963 I am opposed to the proposed Casino at Shiloh rd and Old redwood Hwy.

I live 2.4 miles from the intersection listed above.

My concerns are :

increased traffic through Larkfield/Wikiup up to the Casino.

The increased element of robberies, Drug sales and home invasions from criminal perpetrators into our area.

Our water supply has been decreased the past 6 years by drought and a business of this size will be over and above water allotted to residents here!

All our roads leading to the casino are not meant for the traffic flow projected to this Casino.

We are a rural community not a City!

Should the existing residents have to see these changes just because an Indian Tribe wants this built?

The Tribe isn't from Santa Rosa/ Larkfield/ Windsor/ sonoma county area and therefore should be denied a permit to Build.

Thank You

Lyn Henderson

124 Eton Ct

Santa Rosa, Ca 95403

Sent from my iPhone

**From:** Dana O'Gorman <[sun@sonic.net](mailto:sun@sonic.net)>  
**Sent:** Tuesday, October 31, 2023 11:50 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Chad,

My family has been long term residents of Sonoma County. We live in the Northeast and love this area. Our family firmly believes this is an absolute mistake to even be considering this spot for a Resort and Casino. This area is for families to live and enjoy - we do not need the added traffic, noise and people this Resort will bring into our neighborhood.

I honestly have a hard time understanding how this property has been seriously considered. Any new Casino should be outside of neighborhoods, with true visibility from a freeway and easy access into and out of the Resort - not into a peaceful neighborhood. Please - please do not consider passing this - it is a serious mistake and will ruin our area!

Respectfully Submitted, Dana O'Gorman

--

Dana O'Gorman

**From:** Larry <[lsantarosa@aol.com](mailto:lsantarosa@aol.com)>  
**Sent:** Tuesday, October 31, 2023 12:59 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] koi nation Shiloh Road project

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Good day, having read their consultant's environmental report, I can tell you it's like something out of "1984" George Orwell's chilling glimpse into the future, w/phrases and language aimed at lying and mis-representing. This is a residential and natural setting valued by hundreds of residents and the surrounding town of Windsor. The Graton casino, closer to my home, but one I vocally supported 15 years ago, is in a much less scenic and much less populated area, lacking in views, creeks, and neighborhoods. It added to Rohnert Park's profile and finances.

This project is a large helping of manure on a much-loved area, which will ruin the pretty setting with traffic lights, a multi-story parking garage, and a resort we don't need, a 10 minute drive to River Rock casino. BTW, that casino has stiffed its investors and bond-holders since it was built, overlooking Alexander Valley. That was a bad mistake, and the Shiloh Road project is even worse mistake, so take heed of the feedback you're receiving. Thanks, Larry Scharf

**From:** Anne Gray <[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)>  
**Sent:** Wednesday, November 1, 2023 10:49 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Opposition to Koi Nation Windsor Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr. Broussard,

Please see the attached letter in opposition to the Koi Nation of Lake County's bid to build the largest casino in California.

There are many reasons why this proposal should be rejected and I've outlined them in the attached. My letter also includes some questions for you that I am requesting answers on.

Please confirm receipt of this email and thank you for your work on this project.

Anne Gray  
Santa Rosa CA

**One attachment** • Scanned by Gmail

# Anne Gray

459 Country Club Drive  
Santa Rosa, CA 95401

[annegray123@sbcglobal.net](mailto:annegray123@sbcglobal.net)

630.815.9277

November 1, 2023

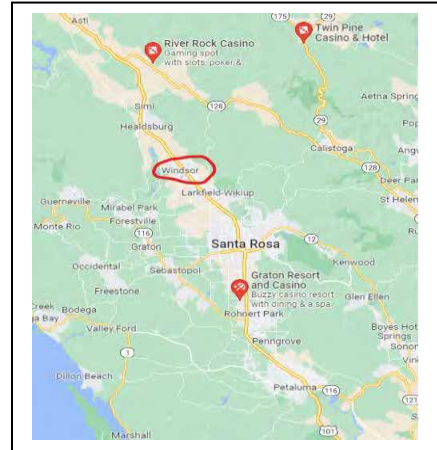
**Re: OPPOSITION TO PROPOSED KOI NATION WINDSOR SHILOH RESORT & CASINO**

To: Chad Broussard  
Bureau of Indian Affairs  
[chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

Dear Mr. Broussard:

I am a third generation Californian. My family moved to Sonoma County 35 years ago. My extended family has lived here for over 80 years ago.

I ask that the Bureau reject the Koi Nation's effort to build a casino of **any size** in Sonoma County. In addition to the preferred alternative, other proposed options for what is to be called the **"Shiloh Resort & Casino"** at 222 E. Shiloh Road, Windsor is also unacceptably large. I spoke about this opposition at the Zoom September 2023 Public Hearing.



Sources used for the following information and my understanding of the facts are listed at the end of this letter. The current proposal will include a:

- 540,000 square foot casino
- 400-room hotel
- 2,800 seat event center
- 5,000 parking spots and an estimated 54,000 daily visitors
- Two ballrooms
- Five restaurants
- Additional support and entertainment facilities
- Use 280,000 gallons of water per day

My understanding is that the **Shiloh Resort & Casino** would become the largest casino in California. The **Graton Casino in Rohnert Park** is already the fifth largest casino in California. It is now embarking on an approved \$1 Billion expansion to make it even bigger!

## ***A few key points against the proposal include:***

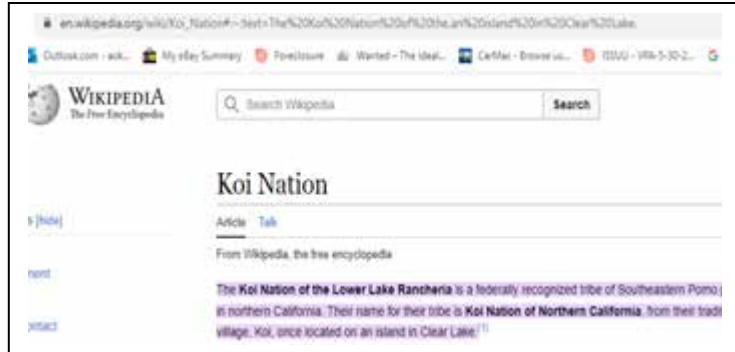
### **KOI NATION IS INDIGINOUS TO LAKE NOT SONOMA COUNTY**

- It is my understanding that the Koi Nation are **indigenous to Lake not Sonoma County** and therefore have **no significant historical connection or inherent rights** to build this casino in Windsor or anywhere in Sonoma County.
  - Their website acknowledges this history (below)
  - ABC News and others also reported that "Five other tribes question Koi Nation's "historical connection" to Sonoma County, saying their ancestors lived 50 miles away in Lake County."



- And just this month, the **Clearlake City Council, in Lake County** approved increasing funding the city will devote to **defending itself against legal challenges involving major park and road projects filed by the Koi Nation**. The reference notes that **“The tribe, whose traditional territory includes the city of Clearlake and Lower Lake...”**, They go on to note that the money is needed because the tribe, **indigenous to Lake County**, approving \$250,000 for legal defense... **“after the tribe sued to stop the city’s extension of 18th Avenue as part of a new hotel development at the former Peace Field airport site.”** (Lake County News, October 20, 2023)
- Yet in 2021, the Koi Nation purchased 68 acres in Sonoma County at 222 E. Shiloh Road, Windsor, for \$12.3 Million. They did not have approval to build the casino before this purchase and are now requesting permission. Is this a version of **"It's easier to ask forgiveness than it is to get permission"**? Why buy the land first?

**So, which is it? Is the Koi Nation indigenous to Sonoma County? Lake County?**



**LARGE CASINOS ALREADY EXIST IN SONOMA COUNTY ARE ALREADY HAVING PROBLEMS COMPETING**

By building the Shiloh Resort & Casino, the biggest in California, Sonoma County will become the Las Vegas of California. Forever changing our cherished rural landscape and sense of community, while creating new crime and safety challenges, and contributing to transportation gridlock for all.

- **Just 14 miles, or 15 minutes south** off Highway 101 is the 2013 built **Graton Casino**. It has a:
  - 135 square foot casino – 25% the size of one proposed for Windsor
  - 200-room hotel, and others built nearby to support it
- **In June 2023 Graton began a \$1 Billion expansion** which will add a:
  - Second hotel wing with 200 rooms
  - 3,500-seat theater for live entertainment
  - Rooftop restaurant seating for 480 guests
  - 144,000 square feet of gaming space
  - Five-level parking structure for 1,500 additional vehicles
- Upon completion, **Graton will be the second largest casino in California. The Shiloh Resort & Casino would easily become the largest in the state.** Surrounded by other massive casinos just a few miles away.

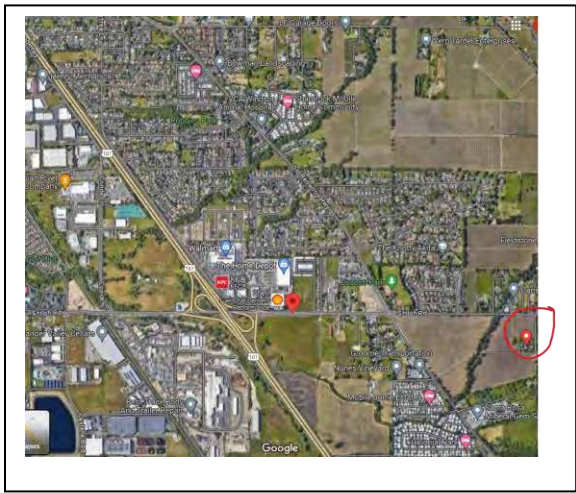
- Earlier this year, on March 1, 2023, Sonoma County Supervisors approved the **Dry Creek Rancheria Band of Pomo Indians’ new River Rock resort and casino in nearby Geyserville.** (Rendering Below)



- **That location is only 18 miles or 30 minutes north of Windsor**
- Why are they tearing down their existing facilities to build a bigger new luxury resort and casino? **During the approval process they argued that business *slowed significantly* after Graton opened. They were granted permission for a complete re-build as they need it to compete! And we need yet a third?**
- This suggests that **Sonoma County cannot sustain *three* massive casinos requiring high revenue targets for financials to meet expectations.** If this turns out to be the case, it will lead to owner neglect as operating funds diminish. **Sonoma County taxpayers** may in the end need to step in with taxpayer monies to fund basic maintenance and security functions. Moreover, Sonoma County may not get the planned tax revenue approval all these new casino builds promise.
- **Twin Pine Casino & Hotel in Middleton, Lake County,** is also just one hour by car from the proposed Windsor site.
- The Dry Creek Rancheria Band of Pomo Indians also plan to build a **large casino in Petaluma south of Windsor.** They have delayed it until 2032 but it is still a strong and viable possibility.
- Again, just 14 miles from Graton Casino and 18 miles from River Rock Casino, **the proposed Shiloh Casino in Windsor would easily become California’s largest casino.** Built in a residential area and location Sonoma County cannot support.

**Sonoma County residents do not need *three* massive Las Vegas style casinos within a 32-mile radius of each other.**

**PROPOSED SHILOH RESORT AND CASINO WOULD BE LOCATED IN THE MIDDLE OF ESTABLISHED RESIDENTIAL NEIGHBORHOODS**



Proposed location circled in red

- As the above images prove, the proposed site is smack dab in the middle of established residential communities, and the stores, restaurants, churches and other operations the local community relies on.
- What will the impact be on diminishing rural landscape, the wildlife and natural environment that land currently supports? Crime, drunk-driving, drug use, and noise from this new 24/7 operation? Property values of long-existing residents?

## IMPACT OF NEW URGENT STATE MANDATED PROHOUSING COMMUNITY MULTI-FAMILY HOUSING. HAVE YOU CONSIDERED THIS IN YOUR ENVIRONMENTAL REVIEW?

Have you considered other major expansion projects within Sonoma County in your assessment?

Governor Newsom's Fiscal Year 2019-20 budget established the **Prohousing Designation Program** help meet California's goal of 2.5 million new homes over the next eight years, with at only about 40% of these new homes serving the needs of lower-income Californians. Windsor, Santa Rosa, and Rohnert Park are part of this designated, fast-growth housing program.

According to Gustavo Velasquez, Department of Housing and Community Development (HCD) Director:

"I'm thrilled that we now have 30 communities that have achieved the Prohousing designation," said HCD Director Gustavo Velasquez. "The cities and counties are leading the way by **reducing unnecessary barriers and red tape** that discourage new housing production, instead they are **signaling to developers that are ready to build more housing faster.**"

(California Department of  
Housing and Community Development, August 7, 2023)

"This isn't hype. If it becomes law, the bill could really revolutionize California cities. As currently written, SB 827 would essentially **exempt all new housing built within half a mile of a train stop or quarter mile of a frequent bus stop from most local zoning rules.** So, if a city had zoned an area for single-family homes, developers could invoke the bill to build multifamily apartment buildings **between four and eight stories high.**"

(Cal Matters June 23, 2020)

- One only has to look at the large multi-family housing developments going up all over Santa Rosa now to know there will be major issues going forward with transportation gridlock, parking and community services. Eliminating the "red tape" that is fundamentally needed to successfully incorporate new housing into Sonoma County.
- Windsor, Santa Rosa and Rohnert Park have been designated **Prohousing Communities** by the State of California.
- All three have embarked on building new multi-housing units to address homelessness. Santa Rosa alone is adding almost 4,700 new housing units by 2025 (technically 2031 but they are on-track to finish sooner).
- Highways, roads, and community services such as grocery stores and medical facilities are not equipped to deal with the **Prohousing Community** requirements, let alone a third Las Vegas style casino.
- The State mandate has also put aside many developer requirements in order to get this housing built, including developer money to support new roads, adequate parking and multi-family community services such as nearby grocery stores, and public transportation. This whole program is going to provide needed housing but at great expense to the public, and those who will reside in these new homes.
- The Wal-Mart and Home Depot right off Highway 101 along with other stores and restaurants located there are already destination points for residents **outside of Windsor** which also leads to much more traffic.
- My understanding from the recent public Zoom hearing is that your transportation study was done in the early morning on a winter day. Have you re-evaluated it during afternoons when schools let out and people leave work? Highway 101 already becomes a parking lot at many busy travel times of the day.

## ADDITIONAL NEW MULTI-FAMILY HOUSING GOING UP AT 295 SHILOH ROAD, WINDSOR

- The Corporation for Better Housing and Integrated Community Development received \$40 million in construction financing for Shiloh Crossing, a **171-unit complex**.
- The development will have two buildings plus 8,000 square feet of commercial space. The North Building will include 130 apartments, while the South Building will consist of the remaining residential units, administrative offices, community space and two commercial spaces. It will have a swimming pool, community room and bocce court.
- The development will be located at 295 Shiloh Road near Route 101. Just one mile or a 3-minute drive from the proposed new Shiloh Resort & Casino. This new residential development, one of many fast-tracked to deal with California's housing shortage will also add to traffic congestion, slow wildfire evacuation efforts and pull from depleted water reserves.

Proposed locations for the new casino and 171 new multi-family housing circled in red; 1 mile apart.



## WILDFIRE EVACUATION ROUTES ALREADY STRESSED

It is also quite easy to see from the above map that the proposed casino would hamper wildfire evacuations as evacuees travel west on narrow roads to get to Highway 101 during emergency evacuation. It is also unrealistic in my view to expect casino employees to risk their lives trying to evacuate patrons as the road traffic quickly comes to a standstill and a death trap.

If the Koi Nation's proposal is approved the BIA will share the blame should more wildfires lead to death due to an inability to flee. The BIA knows locating the largest casino in California at this location will add significant wildfire evacuation hurdles.

## SONOMA COUNTY BOARD OF SUPERVISORS UNANIMOUSLY OPPOSES THE KOI NATION PROPOSAL

- There has been great Sonoma County opposition to the Koi Nation plan. In April 2022 the "Sonoma County Board of Supervisors unanimously passed a resolution opposing the Koi Nation's proposed casino and resort outside Windsor while discounting the tribe's historical ties to the county". (CDC Gaming Reports, April 6,2022). Many other groups also oppose this new development.

## SUMMARY

The proposed location is not equipped nor the spot for another massive casino. In addition to over-crowding, casino-saturation, the **water table, environment, and wildfire evacuation routes** are also not equipped to support another casino.

Right off Highway 101 by Walmart and Home Depot? Adjacent and near long established residential areas families, children and the elderly call home? Where property owners are already facing low water pressure as their wells dry up? With Prohousing Designations already adding thousands of multi-family housing in Windsor, Santa Rosa and Rohnert Park?

**Please let me know** if you have factored in the impact of the new **Prohousing Community** build in Windsor, Santa Rosa and Rohnert Park in your evaluation, and re-evaluated the impact on roads, water requirements, and the safety of adjacent neighborhoods, which seems flawed as many pointed out during the Public Hearing. **I request a written reply to these questions.**

I urge you to deny the Koi Nation Shiloh Resort & Casino **in any form.**

Sincerely

Anne Gray

Anne Gray

Data sources include:

- The September 27, 2023, Public Hearing, Zoom-moderated by C. Broussard, BIA
- Publications:
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.lakeconews.com/news/76942-clearlake-sets-aside-half-a-million-dollars-to-defend-against-tribal-lawsuits-over-city-projects>
  - <https://www.pressdemocrat.com/article/news/sonoma-county-supervisors-approve-casino-agreement-with-dry-creek-rancheria/>
  - <https://www.pressdemocrat.com/article/news/federal-hearing-on-proposed-koi-nation-casino-near-windsor-draws-scores-of/>
  - <https://www.townofwindsor.com/1303/Koi-Nation-Resort-and-Casino-Project>
  - [https://en.wikipedia.org/wiki/Koi\\_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.](https://en.wikipedia.org/wiki/Koi_Nation#:~:text=The%20Koi%20Nation%20of%20the,an%20island%20in%20Clear%20Lake.)
  - <https://www.koinationsonoma.com/history/>
  - <https://www.koinationsonoma.com/project/>
  - <https://www.srcty.org/CivicAlerts.aspx?AID=2253>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/california-department-of-housing-and-community-development-awards-prohousing-designation-to-five-new-jurisdictions>
  - <https://www.hcd.ca.gov/about-hcd/newsroom/governor-newsom-designates-three-more-california-communities-prohousing-strides-made-to-accelerate-housing-production>
  - <https://www.townofwindsor.com/DocumentCenter/View/27736/3818-23-Authorizing-Town-Manager-to-Submit-Prohousing-Incentive-Pilot-Program-App-to-CA-HCD?bidid=>
  - <https://calmatters.org/housing/2018/03/what-to-know-about-the-housing-bill-that-has-people-freaking-out-from-marin-to-compton/>
  - <https://www.pressdemocrat.com/article/news/public-hearing-announced-for-koi-nations-proposed-casino-project-near-wind/>
  - <https://huffman.house.gov/media-center/in-the-news/sonoma-county-elected-leaders-react-to-koi-nation-proposal-for-casino-near-windsor>
  - [https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility?utm\\_campaign=trueAnthem%3A%20Trending%20Content&utm\\_medium=trueAnthem&utm\\_source=facebook&fbclid=IwAR2VfsWJpFRLIH8visWcOb8hd\\_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo](https://www.pressdemocrat.com/article/news/graton-rancheria-statement-on-koi-nations-application-for-gaming-facility?utm_campaign=trueAnthem%3A%20Trending%20Content&utm_medium=trueAnthem&utm_source=facebook&fbclid=IwAR2VfsWJpFRLIH8visWcOb8hd_IQqZd2bwOTuM3lvK7rOnxKjc6u53MWvo)
  - <https://www.petaluma360.com/article/north-bay/sonoma-county-dry-creek-tribe-poised-to-extend-agreement-banning-casinos-n/>
  - <https://cdcgaming.com/brief/california-sonoma-county-supervisors-unanimously-oppose-koi-nations-casino-near-windsor/>
  - <https://abc7news.com/koi-nation-casino-sonoma-county-casinos-windsor-plan/11710358/>
  - <https://www.landispr.com/wp-content/uploads/2019/11/PD-Coverage-Koi-Nation-casino-battle-091821.pdf>
  - <https://www.healdsburgtribune.com/windsor-casino-would-increase-fire-risk-impact-residential-communities-opponents-say/>
  - <https://www.shilohresortenvironmental.com/>
  - <https://www.multiphousingnews.com/california-affordable-development-lands-40m/>

**From:** Barbara Gurry <[bgurry@gmail.com](mailto:bgurry@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 1:10 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Proposed Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Dear Chad,

I am writing to you to let you know that I oppose the proposed building of the Shiloh Resort and Casino by the Koi Nation Indians. We do not need another casino in this area as we already have the huge Graton Casino in Rohnert Park and the River Rock Casino. The Graton Casino is expanding again making it a Mega Casino. Building a casino in this area will contribute to the already massive traffic problem on Highway 101 when customers are traveling there. Also, building a casino there will attract criminals and increase crime in the area. I have seen the bad things that happened to the City of Rohnert Park after the Graton Casino was built. This has resulted in massive traffic congestion in the area of the Casino and on Highway 101 and a huge increase in crime including prostitution, robberies, drug deals, shoplifting, and fraud. There are no benefits of building a casino off Shiloh Road in Santa Rosa so I hope you can convince the Indians to locate their casino to a different location. The City of Rohnert Park was ruined by a huge Las Vegas casino being built there called the Graton so no one wants the Shiloh area to be ruined also by putting a casino there. Thank you for reading my letter.

Barbara  
Sent from my iPhone

**From:** bill mccormick <[billmccormickiii@gmail.com](mailto:billmccormickiii@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 1:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] "EA Comments, Koi Nation Shiloh Resort and Casino"

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Mr. Chad Broussard

I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; a casino in a residential neighborhood is almost comedic...however, in my case it is an on-going tragedy. I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again.

From a professional perspective, I can't say that I have ever read a more flawed, incomplete and down-right unprofessional environmental document than the EA that was produced for this ludicrous development by Acorn Environmental. Clearly this firm is a paid advocate for the Koi tribe and their conduct and work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. Miraculously, all issues are deemed to be less than significant, to the public. This clearly shows that the EA was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase less than significant means, and to whom. In order to accurately point out the numerous flaws of this 217-page study, it would take another 217-page letter. For sanity sake, I will only include a few examples that clearly demonstrate why the EA is worthless, should not be considered for acceptance and that the only project that is acceptable is Alternative D – No Action Alternative.

## **TRAFFIC**

The provided traffic study is extremely flawed and incomplete. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with NO mitigations whatsoever proposed. We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.



In addition to this, the presented traffic study is completely flawed because it does not even consider traffic generated from the major intersection of Shiloh and Faught Rd; the corner I live on. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already....adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise.

## **WATER SUPPLY**

The EA claims that daily groundwater use needs on the site will be 170,000+ gallon per day and require additional wells to be drilled. This will severely affect neighboring supply wells with typical yields of only 10 to 20 gallons per minute and will cause a drawdown effect, possibly drying up adjacent domestic wells. This will also limit firefighting efforts in this wildfire hazard zone.

## **WASTEWATER**

This category is especially disturbing. The EA estimates up to 400,000 gallons of waste per day. The proposed on-site system will include pipes under Pruitt Creek, the need for up to 16 million gallons of onsite storage and/or discharge into Pruitt Creek...which would permanently damage the existing creek environment. There will be so much excess sewage water that the EA states that up to 11 acres of offsite irrigation is possible, if they can find someone willing to take it...if not, the excess will be pumped into Pruitt Creek. We cannot allow Pruitt Creek to become a sewage canal.

The proposed plans call for an on-site sewage treatment plant which will use hazardous chemicals for treatment which would be environmentally disastrous if spills were to occur. What's most important here is that private sewage treatment plants on tribal lands are not subject to local operating guidelines, inspections or oversight. In addition, all waste biosolids would have to be continually trucked offsite to some other disposal site, presenting additional commercial traffic and potential environmental hazards for Sonoma County citizens.

\*If this casino is permitted, the Town of Windsor will be bordered by **TWO UNREGULATED WASTEWATER TREATMENT PLANTS.**

## **OTHER UNMITIGATABLE ISSUES**

There are many other unmitigable issues associated with having a casino in this neighborhood. It has been proven that areas surrounding casinos experience a sharp and lasting increase in **criminal activity**. Even though my property is located somewhat in a rural setting, I have had prostitutes and drug users use my driveway and vineyard access for their business. Criminal activity will increase exponentially with the Casino making our neighborhood unsafe. The tribe erroneously assumes that Sonoma County Sheriffs and Fire will service the project.

There is no way to eliminate new **noise** associated with traffic access to the site from patrons and deliveries, parking for over 5,000 cars and general **24-HOUR-A-DAY** operation of the casino itself. Other forms of **POLLUTION** will be car exhaust and

light pollution. All of these factors will permanently damage our peace and **SEVERELY** reduce the **VALUE** of our properties.

## **SUMMARY**

In a nutshell, this proposal is absolutely ludicrous and the EA is flawed and unacceptable. Let me summarize the fatal flaws for this project:

- The EA as presented does not adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens.
- The EA and the tribe do not present mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization and the overwhelmingly majority of Sonoma County citizens.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from this EA document is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.** No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be the beneficiaries of residential neighborhood destruction. Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that never has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino ever been permitted next to a residential neighborhood...this policy should not be changed!

I have one final comment that needs to be taken into consideration by the BIA. This current process of **RESERVATION SHOPPING** at will needs to cease, and the Federal Government needs to find other more positive ways to assist tribal communities that doesn't destroy the lives of others in the process and is not based on a monopoly of casino greed that creates instant millionaires. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

In closing, I implore you to reject the EA, and only consider **Alternative D- No Action Alternative**. I also strongly encourage you to **guide the Koi tribe into finding fee-to-trust land opportunities outside of Sonoma County**.

Respectfully submitted,

William V. McCormick, CEG

Neighborhood Resident

November 1, 2023

**TO:** Ms, Amy Dutschke  
Region Director  
Bureau of Indian Affairs -Pacific Regional Office  
2800 Cottage Way, Room W-2820  
Sacramento, CA 95825

**SUBJECT: EA Comments**  
**Koi Nation Shiloh Resort and Casino**

**FROM: William V. McCormick, CEG**  
**5811 Faught Road**  
**Santa Rosa, CA 95403**

Dear Ms. Dutschke:

I find it hard to believe that I am actually obligated to respond to such a preposterous land development proposal as this one put forward by the Koi tribe for a casino and resort at the border of the Town of Windsor, within Sonoma County. My property is bounded by Shiloh and Faught Rd, immediately east of this project. I am a local, licensed, Certified Engineering Geologist (CEG) who has spent the last 38 years evaluating the engineering and environmental feasibility of proposed development projects in Northern California, and I must say I have never seen such a ludicrous development proposal such as this one; a casino in a residential neighborhood is almost comedic....however, in my case it is an on-going tragedy. I spent 11 years opposing the fee-to-trust development on the western edge of Windsor with another tribe, only to find that even though I moved to the other side of town, I now have to defend my rights and way of life again.

From a professional perspective, I can't say that I have ever read a more flawed, incomplete and down-right unprofessional environmental document than the EA that was produced for this ludicrous development by Acorn Environmental. Clearly this firm is a paid advocate for the Koi tribe and their conduct and work product is subject to further scrutiny and professional investigation. This out-of-town firm clearly has no understanding of the local conditions and has produced this document using desktop study procedure, outdated data and no true field ground-truthing. Miraculously, all issues are deemed to be less than significant, to the public. This clearly shows that the EA was written only to the benefit of the Koi tribe and WITHOUT consideration to the surrounding neighbors or current environmental reality. This study is so flawed that it never even defines what the phrase less than significant means, and to whom. In order to accurately point out the numerous flaws of this 217-page study, it would take another 217-page letter. For sanity sake, I will only include a few examples that clearly demonstrate why the EA is

worthless, should not be considered for acceptance and that the only project that is acceptable is Alternative D – No Action Alternative.

## **TRAFFIC**

The provided traffic study is extremely flawed and incomplete. First of all, new traffic volumes will increase by up to 16,000 cars a day, within a residential neighborhood with NO mitigations whatsoever proposed. We cannot accept or be forced to accept such a degradation to our way of living. This amount of traffic will severely decrease the safety of our neighborhood.

In addition to this, the presented traffic study is completely flawed because it does not even consider traffic generated from the major intersection of Shiloh and Faught Rd; the corner I live on. Casino patrons will try to go around the traffic created on Old Redwood Highway at the main entrance, for the Faught Road/Shiloh back entry. For us who live here, we all know that Shiloh road is a part-time drag strip already....adding 16,000 cars to this will result in many injuries, death, property damage and overall degradation to our current peace and lifestyle with endless, 24-hour traffic noise.

## **WATER SUPPLY**

The EA claims that daily groundwater use needs on the site will be 170,000+ gallon per day and require additional wells to be drilled. This will severely affect neighboring supply wells with typical yields of only 10 to 20 gallons per minute and will cause a drawdown effect, possibly drying up adjacent domestic wells. This will also limit firefighting efforts in this wildfire hazard zone.

## **WASTEWATER**

This category is especially disturbing. The EA estimates up to 400,000 gallons of waste per day. The proposed on-site system will include pipes under Pruitt Creek, the need for up to 16 million gallons of onsite storage and/or discharge into Pruitt Creek...which would permanently damage the existing creek environment. There will be so much excess sewage water that the EA states that up to 11 acres of offsite irrigation is possible, if they can find someone willing to take it...if not, the excess will be pumped into Pruitt Creek. We cannot allow Pruitt Creek to become a sewage canal.

The proposed plans call for an on-site sewage treatment plant which will use hazardous chemicals for treatment which would be environmentally disastrous if spills were to occur. What's most important here is that private sewage treatment plants on tribal lands are not subject to local operating guidelines, inspections or oversight. In addition, all waste biosolids would have to be continually trucked offsite to some other disposal site, presenting additional commercial traffic and potential environmental hazards for Sonoma County citizens.

**\*If this casino is permitted, the Town of Windsor will be bordered by TWO UNREGULATED WASTEWATER TREATMENT PLANTS.**

## OTHER UNMITIGATABLE ISSUES

There are many other unmitigable issues associated with having a casino in this neighborhood. It has been proven that areas surrounding casinos experience a sharp and lasting increase in **criminal activity**. Even though my property is located somewhat in a rural setting, I have had prostitutes and drug users use my driveway and vineyard access for their business. Criminal activity will increase exponentially with the Casino making our neighborhood unsafe. The tribe erroneously assumes that Sonoma County Sheriffs and Fire will service the project.

There is no way to eliminate new **noise** associated with traffic access to the site from patrons and deliveries, parking for over 5,000 cars and general **24-HOUR-A-DAY** operation of the casino itself. Other forms of **POLLUTION** will be car exhaust and light pollution. All of these factors will permanently damage our peace and **SEVERELY** reduce the **VALUE** of our properties.

## SUMMARY

In a nutshell, this proposal is absolutely ludicrous and the EA is flawed and unacceptable. Let me summarize the fatal flaws for this project:

- The EA as presented does not adequately characterize the overwhelming negative effects to the neighborhood and Sonoma County Citizens.
- The EA and the tribe do not present mitigating factors for critical issues
- There is no definition of Less than Significant and this implication for all issues clearly ignores the concerns of neighbors and Sonoma County citizens
- The proposed development is opposed by every civic organization and the overwhelmingly majority of Sonoma County citizens.
- The proposed development is opposed by existing Tribes that originate from Sonoma County
- We already have two casinos in Sonoma County, we don't need a third

**What is completely omitted from this EA document is the description and acknowledgment of the permanent damage to the existing residential and agricultural culture that exists in this area.** No credence is given to forever changing the lives of the current residents, which far outnumber the 90 Koi members who would be the beneficiaries of residential neighborhood destruction. Clearly none of the Koi would live in this neighborhood once the casino is built. I would also like to point out that never has permission been granted in the past for a tribal casino more than 15 miles from their native origins nor has a casino ever been permitted next to a residential neighborhood...this policy should not be changed!

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casino greed that creates instant millionaires. Tribal rights should not be more important than all other citizens' rights. We are all **US Citizens** and one group should not be allowed to infringe upon the rights of others for selfish means, especially since the citizens that could be negatively and permanently affected have lived here for many decades.

In closing, I implore you to reject the EA, and only consider **Alternative D- No Action Alternative**. I also strongly encourage you to guide the Koi tribe into finding fee-to-trust land opportunities outside of Sonoma County.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "William V. McCormick", with a stylized flourish extending to the right.

William V. McCormick, CEG

Neighborhood Resident

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 10:04 PM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### Name

Sheli

### Email

[Wrighttranch@rocketmail.com](mailto:Wrighttranch@rocketmail.com)

### Comments

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

Dear Bureau of Indian Affairs:

This letter is to express my support of the Koi Nation of Northern California and its application to the Federal Bureau of Indian Affairs to establish trust land in Sonoma County, California.

Approval of this trust land application would make it possible for the Koi Nation to exercise its rights as a federally recognized Tribe and develop a gaming facility that would provide more than 1,000 new, good paying jobs as well as create a substantial, positive economic impact in Sonoma County and other nearby communities.

The Koi Nation has suffered the effects of broken promises by the government and dispossession of its tribal lands for 150 years. This trust land application is an opportunity for the BIA to right these wrongs and enable the Tribe to exercise its inherent, sovereign rights and its ability to build a stable economic base for itself and its members.

We believe the Koi Nation and its partner on this project, Global Gaming Solutions, both have a proven record of being committed community partners. We believe both organizations are committed to working with our region to develop this property in a way that is both environmentally sound and economically viable.

We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Mon 10/30/2023 9:29 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Cornelia Duque

### **Email**

[proencons1@yahoo.com](mailto:proencons1@yahoo.com)

### **Comments**

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Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.



## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Wed 11/1/2023 12:46 AM

To: biasupportforkoination koination.org <biasupportforkoination@koination.org>; Noah Starr <noah@singersf.com>

### **Name**

Jamie

### **Email**

[Jamiehom3@gmail.com](mailto:Jamiehom3@gmail.com)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

## Support of the Koi Nation of Northern California

Support Form <info@koinationsonoma.com>

Sun 10/29/2023 4:07 PM

To:BIASupportForKoiNation@KoiNation.org <BIASupportForKoiNation@KoiNation.org>;Noah Starr <noah@singersf.com>

### **Name**

Dorothy Stone Inouye

### **Email**

[fullcircle@sonic.net](mailto:fullcircle@sonic.net)

### **Comments**

Department of the Interior  
Attn: Bryan Newland, Assistant Secretary - Indian Affairs  
1849 C Street, N.W.  
Washington DC 20240

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We would appreciate your expedited approval of this application.

**From:** Jim Quinn <[jimg675@gmail.com](mailto:jimg675@gmail.com)>  
**Sent:** Wednesday, November 1, 2023 3:13 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA comments, Koi Nation Shiloh Resort Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Dear Mr Broussard,  
PLEASE DO NOT APPROVE THIS PROJECT!!!

I support the Koi Nation efforts to enhance economic growth and development for its people. However, the current proposed location along Old Redwood Hwy in Windsor, CA is absolutely THE wrong area for a 24-hour gaming and resort facility.

The Koi Nation want to build a 24-hour gaming facility and destination resort immediately adjacent to:

- a long established QUIET residential area;
- a newly constructed multi-story apartment complex;
- already heavily trafficked wildfire evacuation routes.

All of the above on single lane roads.

The Koi Nation secretly purchased the land with no community input beforehand. The neighborhood had no prior knowledge the Koi planned a 24-hour casino literally across the street from their homes. Then the Koi went public and announced their casino plans. It feels like they are trying to ramrod this project down the throats of the surrounding community. All of the Koi's actions thus far has created an enormous amount of ill will, distrust and anger that will be almost impossible to mitigate.

I truly don't understand how the Koi think they will be good community partners when they demonstrate such contempt for the neighborhood they wish to be a part of.

Traffic in the area is already heavy and compromised. The apartment complex when it opens will add 100s of vehicles DAILY to the area. The fire evacuation routes are already heavily congested. Adding a 24-hour gaming and resort facility, and its additional 100s of vehicles, has the potential to make it deadly.

This is NOT the correct location for any casino. The Koi, I believe, chose this beautiful and serene location for its own marketing purposes and without any concerns or regard for the surrounding community.

Please do not approve this project!!!!!!

Thank you for your time.  
Jim Quinn

**From:** [rcdccmy@aol.com](mailto:rcdccmy@aol.com) <[rcdccmy@aol.com](mailto:rcdccmy@aol.com)>  
**Sent:** Wednesday, November 1, 2023 4:28 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

November 1, 2023  
Re: Koi Shiloh Casino Project

Dear Mr. Broussard,

I am writing regarding the Koi Shiloh Casino Project. We have raised our family in the neighborhood directly across the street from the proposed site. We have lived here for 25 years.

It is very alarming that the Koi Nation would choose a residential property on a quiet country road. As I am sure you are aware, not only is the property surrounded by neighborhoods, but by a church, youth park and baseball field, as well as an elementary school. This is not the right spot for a large casino project.

The “experts” who researched this property, used information from 2007. Additionally, the traffic studies were conducted during off-peak times. This area has experienced 2 large disastrous fires after 2007, which necessitated evacuation in the surrounding area. We sat in a 3-hour traffic jam trying to leave our neighborhood on Shiloh Road and make our way to the main highway (101). Recently a large apartment building was also built on the corner of Shiloh Road and Old Redwood Highway. This building could add anywhere from 250-350 extra people trying to evacuate during an emergency. Add to that a casino/hotel and traffic will virtually be stopped. NO one will be able to evacuate.

Not only is the fire danger a real and life-threatening issue in this area, we have experienced drought conditions for several years, which dictated that neighbors water only on specific days, let lawns die and conserve. If there isn't enough water for the neighborhood, how will a casino/hotel be able to provide for the large amount of water that they will need? Will a well really provide enough water?

We would ask that further studies are done, to more accurately represent this area. I believe that current studies would further substantiate that this is not the place for a casino/hotel. **The only viable option right now is Option D.....no project.**

Thank you,  
Respectfully,  
Ron & Carrie Myers

5834 Leona Ct.  
Windsor, CA 95492

November 1, 2023

Re: EA Comments, Koi Nation Shiloh Resort & Casino

Dear Amy Dutschke,

I am writing regarding the Koi Shiloh Casino Project. We have raised our family in the neighborhood directly across the street from the proposed site. We have lived here for 25 years.

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We would ask that further studies are done, to more accurately represent this area. I believe that current studies would further substantiate that this is not the place for a casino/hotel. **The only viable option right now is Option D.....no project.**

Thank you,

Respectfully,

*Ron + Carrie Myers*  
Ron & Carrie Myers

5834 Leona Ct.

Windsor, CA 95492

**From:** Desiree Langston <[philsdesire23@gmail.com](mailto:philsdesire23@gmail.com)>  
**Sent:** Thursday, November 2, 2023 6:48 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Hi there, I support the casino going up 100%. Myself and many other friends and family are excited about this news. Just thought that I would let you know YES YES YES PLEASE. Casino would bring jobs and works  
Help our economy.  
Thank you and have a great day.

Sincerely , Desiree Langston  
Sent from my iPhone



**From:** t. Braunstein <[phototanya@yahoo.com](mailto:phototanya@yahoo.com)>  
**Sent:** Thursday, November 2, 2023 11:31 AM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] Windsor Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

I'd like to add my voice in opposition to the proposed construction of the Windsor casino. There are so many reasons to oppose this project, but for me, the primary concern is evacuation in the event of fire, earthquake, etc. I am a survivor of the 2017 Tubbs fire. My Larkfield home did not burn down, but the fire came very close to where I was living. I still live in the same house, though with all the subsequent fires that followed and evacuations and smoke alerts, I came very close to quitting the area I've called home since 1989.

Those early morning hours are forever etched in my memory. I was awakened early that day by pounding on my door. My neighbor shouted that I had to get out immediately. I looked at the roaring fire up the street. It took me a few moments to get my bearings. I first needed to find my glasses in the dark and then get my purse and jacket. As I ran out of the house, I was only able to grab one of my two cats. I had no choice but to leave the other who was hiding somewhere in the house and was no doubt as petrified as I was.

Still in my pajamas, I headed towards Old Redwood Highway where traffic was barely moving. Ashes and glowing embers were bouncing off my car. I called my daughter in a panic and was unsure what to do because the fire was so visibly close. I could barely see through the smoke. I didn't know if I should stay in the car or jump out and run. It was around 2:00 a.m. but my middle daughter answered immediately. I said, "I don't know if I should stay in the car or run? I'm coming your way." She replied, "Don't take Reibli Road or Fountaingrove because it's all over Facebook something is happening there. Go towards Occidental (where my eldest daughter lives). Go west. Go away from this area." I did what she said, which required me to make a U-turn away from the line of cars and drive north toward Airport Boulevard. Everyone else was going south, but I broke away from all the cars. This was a relief but also scary because I was going against the masses and unsure if it was a good choice. I called my daughter again for reassurance and she said, "...just keep the fire in your rearview mirror. Keep going west."

This led me to the backroads of the west county. Eventually, after driving through dark backroads, I made it to Occidental close to dawn and was able to stay with my oldest daughter for a day. My middle daughter and her family arrived not long after me. During this entire week, the area around my house was very well barricaded. It was about 5 days before I was able to enter the area, escorted by police to learn that my house had survived the fire and to retrieve my other cat, whom I found very hungry, thirsty, and stressed.

The intersection of Shiloh and Old Redwood Highway is already facing increased traffic due to the new construction of a large apartment complex. I don't understand why a casino in a residential

neighborhood would even be considered by any reasonable person. Only extreme greed and personal gain would motivate support for this project.

Respectfully,  
Tanya Braunstein

**From:** claudia abend <[abendclaudia@gmail.com](mailto:abendclaudia@gmail.com)>  
**Sent:** Thursday, November 2, 2023 11:25 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments , Koi Nation Shiloh Resort and Casino

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

This is a supplementary comment and rebuttal to the E A report on the Koi Shiloh Casino Project. The location of this proposed project is right in the middle of agriculture, residential, school, church, parks and wildlife areas . This project will also present big threats and hazards to wildfire evacuations, impact area traffic flow, dangerous DUI and distracted drivers around children/pedestrian/bikers on roads, increased crime in area, ground water depletion, flooding of roads /property and contaminated water ways and wildlife habitats. This project is in total disregard to what this area has been and is at present .

My husband and I have lived at 5925 Old Redwood Hwy for 37 plus years . Our property is located behind the Mark West Neighborhood Church along with other residents on our private drive . We all have private wells that provide our water source and conserve and worry during drought years . We were all present and experienced the fires of 2017 and 2019.

Appendix C water and wastewater study : Having any wastewater discharged into a creek does not sound sustainable for the environment, wildlife and area existing wells . During higher water winters this area has a lot of run off in creeks and roadside ditches that flood roads and residential properties. Given the amount of new asphalt and concrete this project will cover there will be more run off and not enough absorption causing more flooding to creeks and area properties. Any new wells and water for a project of this size will gravely impact area residential wells . This study looks unrealistic and bias to fill the requirements! The county of Sonoma has recently put a stop to all new well drills due the drought years before 2023 . There is also a restriction of ground water usage in process. As a public area, people in resorts/casinos don't care about water conservation. Climate change can negatively impact more of our water sources as well .

Appendix I Traffic impact study : This study does not reflect the reality of how busy this area already is and more busy with the now in progress of new housing projects on Shiloh and old redwood Hwy .

Appendix N Wildfire Evacuation : The study on this is unrealistic for this area . Past fires of 2017 and 2019 fires burned across roads , 101 Hwy , structures on large areas of asphalt/concrete and large hotels and assisted living buildings. These fires even came close to burning down 2 hospitals . To even suggest that this project would be a protective addition if not true . It is the most protective by being what it is , agriculture/vineyard. This was true with both of these recent fires .

To suggest that this project could evacuate 800 people in 2 hours from this site is ridiculous . Considering all the other surrounding areas took longer than that during the recent past fires plus add the newest housing projects on Shiloh in progress now , is really unfounded data . This whole area is a log jam to Hwy 101 and the Hwy is also slow moving in the face of evacuation.

Appendix L Noise and Vibration : A project like this operating 24 ,7 will directly impact all the surrounding residential livelihood with unwanted noise, lights from the project and the on going

and leaving of cars and buses . This will also include more crime and law enforcement/ ER services calls that is not included in this EA and is not a residential friendly activity to have. There is no mitigation that can fix this except to not have this project built. This appendix doesn't even cover aesthetics change this project would cause . Views of the mountains will be gone with a uprise project like this . This type of project will decrease area property values. A casino/hotel resort conv center does not fit into this community character at all! This is not Las Vegas . This cannot be mitigated.

A project like this is not needed for local economy to thrive . There is plenty of building and development happening in Sonoma county . Local restaurants and service businesses even have a shortage of people willing to work for them .

The EA by Acorn Environmental has a lot of missing realities of this area ...the biggest is it's residential / agricultural...not commercial . This comes across as bias to push through a casino project . The only option that can be supported is option D, no project .

Thank you ,

Claudia and Richard Abend

**From:** Richard Abend <[richardabend13@gmail.com](mailto:richardabend13@gmail.com)>  
**Sent:** Thursday, November 2, 2023 3:30 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

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This is a comment and rebuttal to the EA report on the Koi Shiloh Casino Project . The location of this proposed project is right in the middle of agricultural ,residential,school, church, parks and wildlife areas. This project will also present big threats and hazards to wildfire evacuations , impacted area traffic flow , dangerous DUI and distracted drivers around children /pedestrians on roads , increased crime in area ,ground water depletion , flooding and contaminated water way and roads/property, and wildlife habitats. This project is in total disregard to what this area has been and is !

**From:** Brenda Catelani <[bmcat@pacbell.net](mailto:bmcat@pacbell.net)>  
**Sent:** Thursday, November 2, 2023 6:47 PM  
**To:** Broussard, Chad N <[Chad.Broussard@bia.gov](mailto:Chad.Broussard@bia.gov)>  
**Subject:** [EXTERNAL] EA Comments, Koi Nation Shiloh Resort and Casino

**This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.**

Mr. Chad Broussard  
Environmental Protection Specialist Bureau of Indian Affairs, Pacific  
Region [chad.broussard@bia.gov](mailto:chad.broussard@bia.gov)

November 2, 2023

Dear Mr. Chad Broussard,

I have lived in Sonoma County all my life, and for the past 35 years, my family has lived in the Oak Park subdivision that resides directly across the street from the Koi Tribe's proposed casino/hotel/events center. My husband and I have raised our children in this peaceful residential community made up of hundreds of family homes, a small neighborhood park (Esposti Park) used for little league baseball and soccer games, two community churches, elementary schools, and the 850 acre Shiloh Regional Ranch Park enjoyed for its beautiful and safe hiking, biking, horseback riding and running trails.

The existence of a large casino/hotel/events center in this neighborhood would irrevocably harm this peaceful, family oriented community, introducing a significant increase in traffic, public safety issues and noise pollution. After reading the Environmental Assessment (EA) published in September 2023, I am extremely concerned about the lack of consideration that was given to protecting our peaceful community from the environmental impacts a proposed project of this magnitude would cause. Below is a list of our concerns:

**TRAFFIC - evacuation due to wild fire**

1. Having lived through the 2017 and 2019 wildfire events, what is foremost in my mind is that the EA neglects to propose a safe and effective traffic mitigation strategy to accommodate the significant increase in the number of non-resident vehicles on the roads in the event of an evacuation order.

If the casino/hotel/events center is built, it will undeniably result in a significant increase in traffic congestion which will be compounded exponentially during an evacuation event. The EA (page 3-119) states that, to mitigate a traffic issue during an evacuation, the casino/hotel/events center would be issued a mandatory evacuation status as soon

as an evacuation warning is issued for the area. Giving the casino/hotel/events center a head start on evacuating is not a realistic solution. If the casino/hotel/events center evacuees follow this evacuation process, there would be thousands of visitors on the roads while thousands of local residents are trying to get to their homes or find/reunite with loved ones in preparation for evacuating. The roadways to our neighborhoods would be gridlocked, creating a very dangerous situation for thousands of anxious, fearful and desperate people.

It is also important to acknowledge that human behavior during a major event is unpredictable. Simply telling large groups of people to “leave now” in an orderly fashion following emergency protocols does not mean they will. We all respond to crises differently depending on our personal situations and studies have shown that large groups of people are slower to respond during a crisis, oftentimes experiencing denial or disbelief that the situation is real.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an in-depth study of the 2017 and 2019 fires and evacuation protocols along with an updated Traffic Study (one that includes the new traffic patterns resulting from the Shiloh Terrace (completion expected 1/2024) and the Shiloh Business Park (completion date unknown) building projects that are currently under construction) are performed. The findings should then be incorporated into all road improvements in order to ensure safe evacuation procedures can be followed.

### **TRAFFIC - on a daily basis**

2. The lack of a well thought out comprehensive evacuation plan is not the only issue with the traffic mitigations proposed by the EA. The road improvements proposed are insufficient for meeting the increase in daily traffic.

As a family who drives through the Shiloh Road - Old Redwood Highway intersection every day, it is obvious that the traffic mitigation strategies will require more than the signalization/optimization, re-striping of the roadway and the widening of the Shiloh Road as indicated in the EA (page 4-9). The EA authors seem to have overlooked that the project plans also show one of the main entrances to be directly off of Old Redwood Highway. Old Redwood Highway is a heavily traveled 2-lane road that is used as a direct route into and out of the Santa Rosa and Windsor areas. During peak traffic hours, Old Redwood Highway is a popular alternative route to traveling Highway 101 and is a shorter and more direct route when traveling to Sutter or Kaiser hospitals in Santa Rosa. It is shortsighted not to consider the need to also widen Old Redwood Highway in order to accommodate the additional increase in traffic.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that an updated Traffic Study is performed once the current construction projects along Shiloh Road (Shiloh Terrace Apartments and the Shiloh Business Park) are complete in order to obtain a clear understanding of the effect that the casino/hotel/event center could

have on the traffic patterns along Old Redwood Highway so a realistic traffic mitigation strategy can be created.

### **TRAFFIC -during road construction**

3. Whenever road work is performed, local residents are affected. The EA minimizes the burden placed on local residents during the proposed expansion of Shiloh Road (a heavily used roadway), thus raising concerns about the traffic issues resulting from such extensive road work.

It is unclear how the EA authors determined the road construction project would be “short term” and cause only “minor delays in traffic flow”. Shiloh Road is currently a heavily used 2-lane road. It is not uncommon for road construction on heavily used roads, especially those with only 2-lanes like Shiloh Road, to take several months or longer to complete or the timeline to be further pushed out due to shortages in labor and other resources. Diverting existing traffic congestion while Shiloh Road is under construction will, not only inconvenience daily commuters, but also the local residents who shop at Home Depot, Walmart, Grocery Outlet, and the other businesses immediately off of Shiloh Road (on Hembree Lane) and the employees that work at those businesses.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that the Koi Nation’s developers meet with the public transportation department and local road construction companies to determine the true timeline to complete such an extensive project by comparing recent projects and availability of resources. Require that they develop a plan that will minimize the negative impact on traffic patterns on the community during the expansion process.

### **PUBLIC SAFETY**

4. The increase in visitors traveling to and from the proposed casino/hotel/events center will affect all aspects of public safety, from traffic accidents and drunk driving violations to theft and vandalism. The current state of Sonoma County Sheriff resources for public safety cannot accommodate the proposed casino/hotel/events center needs. With the introduction of a casino/hotel/events center in a residential community, public safety should be a priority. Not only do more cars on the road equate to more accidents, the crime rate will increase (including drunk driving violations) from what currently is almost non-existent in the area.

According to the EA (page 4-8), “the Tribe shall make good faith efforts to enter into a service agreement with the Sonoma County Sheriff’s Office” for police services in order to keep the local community safe. However, the EA authors do not explain what “good faith efforts” actually means and there is no mention of an alternative plan in the event that the “good faith efforts” do not result in resources for public safety.



An alternative plan is essential because what the EA authors did not consider is the fact that the Sonoma County Sheriff's Office is currently struggling with understaffing and overworked employees pulling 12 hour shifts due to the inability to fill vacancies (see Town of Windsor Agenda Report dated May 17, 2023). While the Koi Nations financial contributions to the Sheriff's budget would be helpful, the ability to find a qualified and well trained police workforce is a very real concern.

**ACTION REQUESTED:** Before approving one of the proposed projects, require that an in-depth review of the Sonoma County Sheriff's office's capacity of their current workload and the proposed increase be performed in order to determine if a sustainable plan for staffing and support is feasible. If the Sonoma County Sheriff's Office is not able to provide public safety services, an alternative realistic solution needs to be provided.

### **NOISE POLLUTION**

5. In addition to our public safety concerns, it is critical that we are able to preserve the quiet and peaceful environment of our neighborhoods. With thousands of daily visitors to the proposed casino/hotel/events center, there will be a significant increase in "noise pollution" to the neighboring homes.

As listed on the EA (page 4-8), the mitigation for the resulting noise created by the casino/hotel/events center was to have the Koi Nation "pay a fair share" towards repaving the road with "noise reducing pavement" and, "if repaving is not necessitated by traffic improvements prior to 2040, the Tribe will compensate homeowners adjacent to identified roadway segments for dual pane exterior windows". The authors of the EA do not seem to understand that the noise pollution is not just caused by the sound of tires on the street, but also car horns, motors, engine backfires, accidents, bass from music blaring, and other loud noises. In addition, most houses already have dual paned windows which, from personal experience, do not block loud noises. The EA authors also did not consider that, because of the mild temperatures of Sonoma County and the health concerns of Covid, many residents prefer leaving their windows open to allow fresh air to circulate throughout their homes. Relying on specialized paving and dual paned windows will not provide adequate protection from the increase in noise resulting from a business that runs 24/7 with the majority of visitors arriving and departing during the evening, night and weekend and holiday hours.

**ACTION REQUESTED:** Before a project of this magnitude is approved, require that a comprehensive Environmental Impact Statement be completed and a realistic sound mitigation plan be created that will prevent and/or significantly minimize outside noise pollution from disturbing the neighboring homes.

### **COSTS TO LOCAL RESIDENTS**

6. The history of the Koi Tribe is one of significant devastation that included the loss of their homeland. One aspect of the traffic mitigation that the EA did not address was that, in order to widen Shiloh Road from two lanes to four lanes, the government would need

to enact eminent domain in order to gain the private property rights of local residents' homes along Shiloh Road. Although these families would be compensated, no amount of money can replace their loss of home and community when forced to relocate. Is this an act the BIA and Koi Nation wants to be connected to?

**ACTION REQUESTED:** Before making a final decision on the proposed projects, please take into consideration the direct and indirect costs to local residents.

On the Koi Nation's website, they state, "our inherent sovereignty is the foundation for our efforts to obtain land upon which we can re-establish the living relationship between our people and the land". However, their proposed plans do not support the goal of reconnecting with their heritage. In contrast, the casino/hotel/events center, **which is not located on their ancestral land**, will irrevocably change the surrounding peaceful environment, negatively impacting the local neighborhoods with increased traffic, public safety issues and noise pollution caused by the 24/7 nightlife and weekend activity of a large casino, hotel and events center.

While I support the Koi Nation's ability to better itself economically and promote the welfare of their people, this location is absolutely not right for this project. The proposed site is not in a commercial area. It is agricultural and residential. We are a community of families who want to protect our peaceful homes and neighborhoods. I am hopeful that the BIA will carefully consider my comments and those of my neighbors. I wholeheartedly request that you implement alternative D, no action.

Respectfully,  
Brenda Catelani

Sent from my iPad