

Form Letters

Wednesday, Dec 04, 2024

Danilastephens

danielastephens2002@hotmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Wednesday, Dec 04, 2024

Sam Ahalim

samahalim44@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Rem Henshaw

remhenshaw@gmail.com

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Juana Cisneros

admin53@interline.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Beatriz T Tlahuitzo-delao

beatriz.tlahuitzo-delao@providence.org

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Calvin Kandarian

ckandarian@yahoo.com

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George

George_z@hotmail.com

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Yolanda Basurto

yo.stylist56@icloud.cim

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Gary Hoffman
gryhf@aol.com

Amy Dutschke, Regional Director
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Melissa Emma Rodriguez

Melissa41723@gmail.com

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2800 Cottage Way
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Kathy Herron

kaypmom@msn.com

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Mike Smith

mikobsmith1@yahoo.com

Amy Dutschke, Regional Director
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Jose Curiel

charliebeerose@aol.com

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Archie Velasquez

archievelasquez@hotmail.com

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Thursday, Dec 05, 2024

joannetownsend joannetownsend

joannetownsend1@comcast.net

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Lorena Licea

radermame1@comcast.net

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Emily Lamb

elamb35@yahoo.com

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Kim Danoff

pkdanoff@comcast.net

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Terrance Williams

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Thank you for your consideration.

Thursday, Dec 05, 2024

Carol Sellers

gigisellers@comcast.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

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Thank you for your consideration.

Wednesday, Dec 04, 2024

Pam Haynes

oklaouph@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

JONATHAN RYAN HOLT

igoldwireless@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

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Thursday, Dec 05, 2024

Richard D. Coreno
richarddcoreno@aol.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Kevin Desai

kdesai@sonomahi.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

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Thursday, Dec 05, 2024

Rita Dizerly

rdizerly10@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

sheila o keefe

sf4okeefe@comcast.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Regina Vargas

POMO58@HOTMAIL.COM

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Robert Young

r_s_young@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Wednesday, Dec 04, 2024

Robert A Boyce

robert.b@tribalsupport.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Crystal Diamante

diamantec71@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

MARILYN F SOLDAVINI

mksold@comcast.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Lissa Coleman

lcol1950@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Rebecca Lopez

rebecca707@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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Thursday, Dec 05, 2024

Robert Ransom

ransom.1@comcast.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

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margret brown

phadra88@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
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Thursday, Dec 05, 2024

Diane McClelland

machaus@sonic.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
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Wednesday, Dec 04, 2024

Rico Pinola

ricopinola1969@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Jamie

jamiehom3@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Regina Bertolucci

hairsregi@comcast.net

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Gloria Allen

Gloria.allen22@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Richard Girard

girardrag@aol.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Salvador Jimenez

ford1980.sj@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Connie

kanijc@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Wednesday, Dec 04, 2024

George Ng

georgeng1706@yahoo.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

I am pleased to provide support for the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). I first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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Thank you for your consideration.

Thursday, Dec 05, 2024

Camilo M Alcantara

peeboh888@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

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Thursday, Dec 05, 2024

Raymond Trinidad

rtrinidad89@gmail.com

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Dear Ms. Dutschke:

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Thank you for your consideration.

December 9, 2024

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, CA 95825

Re: Support for the Koi Nation of Northern California's Shiloh Project

Dear Ms. Dutschke:

On behalf of the Nor Cal Carpenters Union and its over 36,000 members, I am writing in strong support of the Koi Nation of Northern California's Shiloh Project and offer these comments on the BIA's publication of the Final Environmental Impact Statement ("FEIS"). We first note that the FEIS contains several revisions from the Draft Environmental Impact Statement ("DEIS"), which reflects a careful reading of the public comments of the DEIS. The result is a strong, well-reasoned FEIS, which addresses in-depth water resources, traffic, fire evacuation and other environmental issues of concern to the community.

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In sum, we wholeheartedly support the final approval of the Shiloh Project and are confident it will create countless well-paying family supporting jobs and will be a long-term economic stimulus for the whole community.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jay Bradshaw", with a long horizontal flourish extending to the right.

Jay Bradshaw
Executive Officer
Nor Cal Carpenters Union

From: Georgianne Boissier <gboissier@comcast.net>
Sent: Sunday, December 8, 2024 5:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Jim <jboissier@comcast.net>
Subject: [EXTERNAL] FEIS 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 Regional Director Dutschke:

My husband and I strongly oppose this project and hope that the Bureau of Indian Affairs will listen and realize that this project is wrong on so many levels.

As long-time Sonoma county residents, we strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. We live within 1 mile of the proposed project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe

environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Georgianne Boissier

153 Barrio Way, Windsor, CA 95492

From: Christine Wagner <mchristinewagner@gmail.com>
Sent: Sunday, December 8, 2024 3:45 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Mr. Broussard,
Here is my opposition letter to the above project.

Warm regards,
Christine Wagner RDCS, FASE, CTT+
mchristinewagner@gmail.com
C: 847-903-5918

December 8, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The Koi Nation has virtually no affiliation to our community. The proposed site is directly accross from a regional park which is frequented by hikers, bikers and equestrians. Less than a half mile away, there is an elementary school and an additional park which supports sports. To add a large amount of traffic to this area is dangerous not just for evacuation purposes but for children walking to and from school. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Best,

Christine Wagner, 5374 Marigold Lane, Santa Rosa, CA 95403

From: Mike Shook <mfshook62@yahoo.com>
Sent: Sunday, December 8, 2024 11:18 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>; me <mfshook62@yahoo.com>
Subject: [EXTERNAL] FEIS 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.

December 8, 2024

Chad Broussard, EPS
Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Chad Broussard:

How can you even consider putting a casino right next to the City of Windsor? I'm sure that you can find a better place further out in the country away from the City of Windsor!

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Mike and Tam Shook
6211 Lockwood Dr

December 9, 2024

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs
Chad.broussard@bia.gov

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino Project

Dear Mr. Broussard,

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Sincerely,



Scott Huhn

195 Merner Drive
Windsor, CA 95492

From: Janice Sexton <janicesexton46@gmail.com>
Sent: Friday, December 6, 2024 1:29 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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 Regional Director Dutschke:

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You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

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I wish to stress that there is NO community support for this project. In addition to the areas of environmental concern raised by everyone else, and the negative impacts on our community as a whole, I am especially concerned about safety for those of us who will be affected by the additional traffic with the expected visitors to this project. My Oak Park neighborhood is directly across the street from the location under consideration, and 2-lane country E. Shiloh Road is my neighborhood's ONLY evacuation route in the event of another certain wildfire. Adding to the

residential vehicles number of vehicles of workers and guests that potentially would be at the casino/hotel, will certainly endanger lives.

I am not opposed to tribal casinos in any way, but this location is not the place for one, and the process followed thus far is inadequate. The only acceptable option is the NO PROJECT alternative.

Sincerely,

Janice L. Sexton

5804 Mathilde Dr.

Windsor, CA 95492

December 09, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Kathleen Huhn
195 Merner Drive
Windsor CA 95492

From: MEREDITH STROM <mandmstrom@comcast.net>
Sent: Monday, December 9, 2024 11:22 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825
Subject: **FEIS Comments, Koi Nation Shiloh Resort and Casino**

Dear Regional Director Dutschke and Chad Broussard,

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information making it difficult for the community to understand and adequately address specific concerns.

Many of the vital issues in the FEIS are addressed with such language as **"when further improvements are made by the County of Sonoma and the Town of Windsor" especially as they apply to traffic and road improvements.** There is no money budgeted for these improvements. They are merely future ideal projects. And as joint projects will require joint budgeting and planning which may never happen.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. **Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources.** Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

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Early in this month, December of 2024, we had days of very heavy rainfall closing many roads in Sonoma County, including a section of Shiloh Road upon which this casino is proposed. Traffic was severely impacted as people could not get to necessary destinations without long detours and round about routes. This is not an infrequent situation but one that occurs every year to some level.

While we support local indigenous tribes, this project is not suitable for Sonoma County. This proposal does not truly restore tribal land to the Koi Nation, as their ancestral homeland lies more than 50 miles away in Lake County.

The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Meredith Strom
5825 Mathilde Dr.
Windsor, CA 95492
(across the road from the proposed casino site)

December [XX], 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Stephen & Karen Marcelino
6250 Lockwood Drive
Windsor, Ca 95492

From: Signe Sugiyama <signe.sugiyama@gmail.com>
Sent: Monday, December 9, 2024 5:12 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Hello Mr. Broussard,

I am a Sonoma County resident, and strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but doesn't adequately address the significant and far-reaching impacts this project will have on the surrounding community in which I live, and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees. I live a short walking distance from the subject land, and am extremely concerned about what will happen to our neighborhood if the project comes to fruition. Traffic congestion and emergency evacuation routes are huge concerns, as this area is at risk of wildfire.

You have promised to consider public comments, but the FEIS shows you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an

extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Signe Sugiyama
5385 Marigold Lane
Santa Rosa, CA 95403

December 10, 2024

PACIFIC REGIONAL OFFICE
2024 DEC 16 PM 2:16
BUREAU OF INDIAN AFFAIRS

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way
Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but doesn't adequately address the significant and far-reaching impacts this project will have on the surrounding community in which I live, and Sonoma County as a whole.

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You have promised to consider public comments, but the FEIS shows you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful

public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

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Sincerely,

A handwritten signature in black ink, appearing to read "Signe Sugiyama", with a long, sweeping horizontal stroke extending to the right.

Signe Sugiyama

5385 Marigold Lane, Santa Rosa, CA 95403

December 10, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

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Sincerely,

Abby L Fletcher
5850 Leona Court
Windsor CA 95492

From: Candice Gagosian <candice.gagosian@gmail.com>
Sent: Monday, December 9, 2024 8:17 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Casino

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Sent from my iPad December 10, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe

environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Candace Gagosian
9808 Keith Court
Windsor CA 95492

From: Meredith Popoff <meredith@smpsales.com>
Sent: Tuesday, December 10, 2024 9:04 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: jim popoff <jim.popoff@gmail.com>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Mr. Broussard,

My husband and I were born and raised in Sonoma County, and we are extremely concerned and strongly opposed to the proposed hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, does not address the impact that this project would have on our community.

We are frustrated and concerned as the BIA is continuing to push this project forward despite all the valid and very real concerns, from water supply, to traffic, and public safety, all voiced by the community and our community leaders. What if there's another fire? We have zero confidence that this community could safely evacuate in an emergency with this added level of traffic, cars, etc. You have heard opposition at every level—from Gavin Newsom to individual neighborhoods, yet you still push forward.

The FEIS does not reflect nor address the concerns we have raised and it's outrageous that you are providing a 30 day period for final comments, during the busiest time of the year. This will undoubtedly result in limited public participation and is not done in good faith. It's imperative that an extension is given so that all voices can be heard.

I 100% support local indigenous tribes. I have never opposed any other tribal project. This project does not belong at the proposed location, and it does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away.

For the safety of our community, I ask that the BIA approve the environmentally preferred "no project" alternative in the FEIS.

Thank you.

Jim & Meredith Popoff
108 Savannah Way
Windsor CA 95492

From: Rose McCoy <rose@formcon.com>
Sent: Tuesday, December 10, 2024 8:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Dear Mr. Broussard:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,
Rose McCoy
5710 Corbett Cir
Santa Rosa, CA 95403

P.S. Though not a Town of Windsor resident, my home is very close to the proposed casino site. The street where my “circle” enters and exits is a neighborhood wildfire evacuation route that would be greatly impacted by the crowds from the casino/resort.

December 11, 2024

PACIFIC REGIONAL OFFICE

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region

2024 DEC 13 AM 11:36

2800 Cottage Way, Sacramento, California 95825 BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

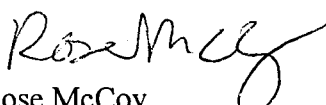
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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,


Rose McCoy
5710 Corbett Circle
Santa Rosa, CA 95403

From: Thomas Loos <thomasloosfurniture@gmail.com>
Sent: Tuesday, December 10, 2024 8:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Fwd: FEIS Comments, Shiloh Resort and Casino Project

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Begin forwarded message:

From: Rose McCoy <rose@formcon.com>
Date: December 10, 2024 at 20:17:53 PST
To: ICE Thomas Loos <thomasloosfurniture@gmail.com>
Subject: Fwd: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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Sincerely,

Thomas Loos
5710 Corbett Circle
Santa Rosa, CA

December 11, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

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Sincerely,



Thomas Loos
5710 Corbett Circle
Santa Rosa, CA 95403

From: scott straub <d5scott@att.net>
Sent: Wednesday, December 11, 2024 9:29 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Koi Nation Shiloh Resort and Casino

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December 11, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident who lives within 1 mile from your proposed location, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement released on November 22nd, 2024, much like the earlier draft environmental impact statement, contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While I support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Scott Straub
5373 Corbett Circle
Santa Rosa, CA 95403

From: marquel abend <marquelabend@gmail.com>
Sent: Monday, December 9, 2024 9:57 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS comments shiloh resort and casino project

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December 10, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indian Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

M
2523 Sonoma ave, Santa Rosa CA 95405

From: lillian fonseca <berdoolil@gmail.com>
Sent: Wednesday, December 11, 2024 7:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Say NO Koi Nation Project

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

Here is my plea for protecting our community

12/11/24



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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Mr. Broussard,

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts.

Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indians Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

I have lived in the town of Windsor since 1990 and chose to raise my family here due to the rural, agricultural environment and small town family oriented lifestyle. Recently, I retired after teaching for over 37 years in Sonoma County. My family enjoys biking, walking and drives on the picturesque backroads that we are blessed to have access to. The location of the proposed construction will destroy magnificent vineyards, negatively impact wildlife, destroy the creek that flows through the property. No longer will we be able to drive down Shiloh and be able to enjoy the fall colors of the vineyards, the moonlight reflecting on the hillsides, and the stillness of the quiet night.

Please do not approve this project. We have so much to lose.

Sincerely,

Lillian Fonseca
128 Cornell
Windsor, Calif

From: Barbara Rael <brael@sonic.net>
Sent: Thursday, December 12, 2024 9:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Barbara L Rael <brael@sonic.net>
Subject: [EXTERNAL] FEIS Shiloh Resort and Casino Project

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

December 12, 2024

Chad Broussard
Environmental Protection Specialist

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Chad,

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indian Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

Barbara Rael
3815 Parker Hill Rd
Santa Rosa, Ca 95404
(707) 953-5899

December 5, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

PACIFIC REGIONAL OFFICE
2024 DEC 10 AM 10:15
BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident and members of our family have lived on East Shiloh Road for 40 years. I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains complex and technical information, but noticeably continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Significant opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any concrete explanation or enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that consideration to public concerns is lacking. The current process feels rushed and dismissive of the voices of those who will be directly affected by this massive development situated in a rural neighborhood. directly impacted by earthquake and fire danger. The timing of the 30 day time period for public comment seems clearly disingenuous as it obviously coincides with the holiday season, effectively limiting meaningful public participation. I would ask that an extension of this period to allow the community sufficient time to respond.

Sonoma County residents as a whole support our local indigenous tribes, however the Koi Nation's not local as their homeland is in located in Lake County and suggesting that this project will restore lands to the Koi Nation is a slap in the face to our community. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Susan Levi

2848 Bardy Road, Santa Rosa, CA 95404

From: Robin Herrick <rherrick22@mac.com>
Sent: Friday, December 13, 2024 1:13 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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 a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe

environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Robin Herrick
1282 Corby Ave
Santa Rosa, CA 95407

Sent from my iPhone

From: rcdccmy@aol.com <rcdccmy@aol.com>
Sent: Friday, December 13, 2024 1:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

December 12, 2024

We live on Shiloh Road directly across from the proposed site and we strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, is much like the earlier draft environmental impact statement (DEIS), which does not adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

It is very alarming that the Koi Nation would choose a residential property on a quiet country road, surrounded by neighborhoods, a church, youth park and baseball field, as well as an elementary school. and concerns regarding water, wastewater, traffic nightmares, congestion, wildfire and evacuation routes, law enforcement and public safety, and housing. The Bureau of Indian Affairs (BIA) seems to not care about the concerns of the community. Highlighting just the TIS traffic counts, it is obvious that they have not taken into consideration the new construction developments on both Shiloh Road and Old Redwood Highway. The biggest of these new developments is the Shiloh Crossing Apartment development located at 295 Shiloh Road. The project includes a total of 173 apartments and 8,000 square feet of commercial space and is slated to open soon.

Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor as well as Governor Newsome, have raised critical concerns.. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

While we support local indigenous tribes, this project is detrimental for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS. **Again, the only viable option right now is Option D.....no project**

Thank you.

Respectfully,
Ron & Carrie Myers
5834 Leona Ct. Windsor, CA 95492

From: karen wagenseller <kwagenseller@gmail.com>
Sent: Friday, December 13, 2024 4:01 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Mr. Broussard,

I am a resident of Windsor in Sonoma County and I oppose the Shiloh Resor and Casino Project.

Please read my attached letter of concerns.

Thank you,
Karen Wagenseller

December 13, 2024

Chad Broussard, Environmental Protection Specialists
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

SUBJECT: FEIS Comments, Shiloh Resort and Casino

Dear Regional Director Dutschke,

I am a Sonoma County resident, and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024 fails to adequately address the far-reaching impact that this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not acknowledging the concerns of our community. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk and evacuation routes, law enforcement and public safety, housing, and economic impact on our County. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. The BIA has failed to address them adequately.

You have promised to consider public comments. The process seems rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is laughable considering it falls during the holiday season. We demand an extension of this period to allow our community time to respond thoroughly.

I support local indigenous tribes, but this project is problematic for Sonoma County. This project does nothing to restore lands to the Koi Nation (100 people), whose ancestral homeland is located in LAKE County, 50 miles north of the proposed Shiloh Resort. To prevent the environmental, social, and cultural harm of this project, the BIA must act and approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Karen Wagenseller
1218 Eagle Drive
Windsor, CA 95492

DEC 16 2024

PACIFIC REGIONAL OFFICE

December 13, 2024

2024 DEC 16 PM 2:11

Amy Dutschke, Regional Director
Bureau of Indian Affairs, Pacific Region BUREAU OF INDIAN AFFAIRS
2800 Cottage Way, Sacramento, California 95825

SUBJECT: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke,

I am a Sonoma County resident, and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024 fails to adequately address the far-reaching impact that this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not acknowledging the concerns of our community. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk and evacuation routes, law enforcement and public safety, housing, and economic impact on our County. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. The BIA has failed to address them adequately.

You have promised to consider public comments. The process seems rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is laughable considering it falls during the holiday season. We demand an extension of this period to allow our community time to respond thoroughly.

I support local indigenous tribes, but this project is problematic for Sonoma County. This project does nothing to restore lands to the Koi Nation (100 people), whose ancestral homeland is located in LAKE County, 50 miles north of the proposed Shiloh Resort. To prevent the environmental, social, and cultural harm of this project, the BIA must act and approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Karen Wagenseller
1218 Eagle Drive
Windsor, CA 95492

From: Jerry Reid <jreid@smotherseuropean.com>

Sent: Wednesday, December 18, 2024 4:12 PM

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

Subject: [EXTERNAL] Opposition Letter regarding the KOI Nation Casino built on vineyard acres

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

Hi Chad,

Please accept this opposition letter to the proposed casino.

Linton Reid

December 18, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Windsor Town resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. This project is not suited for this location due to increased traffic on small country roads, evacuation routes that could be affected in a wildfire emergency, and additional calls for service for the Town Police and Sheriff's office. It should also be noted that if a large hotel group came in to develop this rural vineyard it would be overwhelmingly denied. If this project is allowed to go through, then there is no limit for indigenous tribes to move about California. If it is not in their tribal area and they are being extended 50 miles, why not 500 miles. So, at the end of the day, 100 people have the have right to develop this property that 25,000 people of Windsor will never have. This project is flawed and unethical and our county should be protected by the Federal Government, not become a victim of poor decision making.

The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Linton G. Reid
7624 12th Hole Drive
Windsor, CA 95492

From: Lynne Carpenter <lyndistarr@att.net>
Sent: Thursday, December 19, 2024 1:48 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Koi Nation Shiloh Resort and Casin

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Dear Mr Broussard

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe

environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Lynne Carpenter
5374 Arnica Way
Santa Rosa, CA 95403
Typos courtesy of my iPhone

PACIFIC REGIONAL OFFICE

2024 DEC 12 PM 12: 04

BUREAU OF INDIAN AFFAIRS

December 8, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Ron & Ramona Turner
6169 Wright Way
Windsor, Ca. 95492

PACIFIC REGIONAL OFFICE

December 9, 2024

2024 DEC 12 PM 12:06

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

BUREAU OF INDIAN AFFAIRS

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) released on July 8, 2024, contains complex, technical information and is virtually impossible for a layperson to understand or comment on. Moreover, it does not adequately address the significant impacts this project will have on the surrounding community and Sonoma County if it is approved.

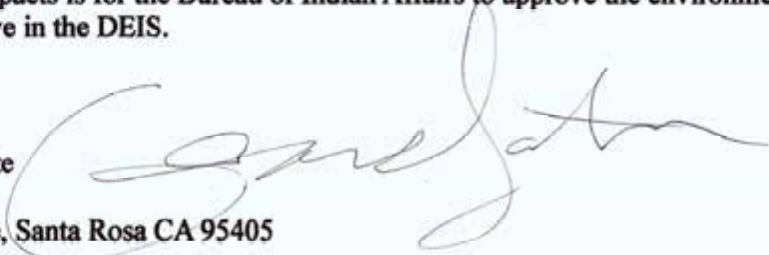
Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. Sonoma County Tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indian Affairs is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

We support the local, indigenous tribes. This project is not right for Sonoma County and will do nothing to restore lands to the Koi Nation, whose homeland is in Lake County. The only way to avoid significant environmental impacts is for the Bureau of Indian Affairs to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,

Garrett Satterwhite

2523 Sonoma ave, Santa Rosa CA 95405



December 10th, 2024

PACIFIC REGIONAL OFFICE

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

2024 DEC 13 AM 11:31

BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I was born and raised in Sonoma County, and I am extremely concerned and strongly opposed to the proposed hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, does not address the impact that this project would have on our community.

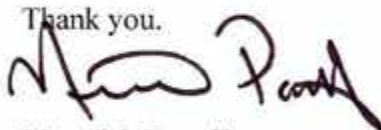
I am frustrated and concerned as the BIA is continuing to push this project forward despite all the valid and very real concerns, from water supply, to traffic, and public safety, all voiced by the community and our community leaders. And what if there's another fire? I have zero confidence that this community could safely evacuate in an emergency with this added level of traffic, cars, etc. You have heard opposition at every level—from Gavin Newsom to individual neighborhoods, yet you still push forward.

The FEIS does not reflect nor address the concerns we have raised and it's outrageous that you are providing a 30 day period for final comments, during the busiest time of the year. This will undoubtedly result in limited public participation and is not done in good faith. It's imperative that an extension is given so that all voices can heard.

I 100% support local indigenous tribes. I have never opposed any other tribal project. This project does not belong at the proposed location, and it does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away.

For the safety of our community, I ask that the BIA approve the environmentally preferred "no project" alternative in the FEIS.

Thank you.



Meredith Popoff
108 Savannah Way
Windsor CA 95492

December 13, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

PACIFIC REGIONAL OFFICE

2024 DEC 18 AM 11:54

BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Kenneth Wright
179 Espana Way
Windsor, CA 95492

December 16, 2024

PACIFIC REGIONAL OFFICE

Amy Dutschke, Regional Director,
 Bureau of Indian Affairs, Pacific Region
 2800 Cottage Way, Sacramento, California 95825

2024 DEC 18 AM 11:49

BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



ZICK DABNEY
 5911 OLD REDWOOD HWY
 SANTA ROSA, CA 95403

From: Francisco Vazquez <fhvazquez17@gmail.com>
Sent: Thursday, December 19, 2024 3:12 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] "FEIS 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.

Francisco

[Francisco H. Vázquez, Ph.D. | Professor Emeritus History of Ideas](#)

[Hutchins School of Liberal Studies | Sonoma State University | Rohnert Park, CA 94928](#)

francisco.vazquez@sonoma.edu

This is who and what we are: constellations of matter, vulnerable, impermanent, and—for moments? for lifetimes?—illuminated by the miracle of awareness.

Whether fleeting or eternal, it's a miracle that we must never take for granted.

—Noelle Oxenhandler, "[Awake and Demented](#)"

December 19, 2024

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Francisco H. Vazquez
6127 Gabrielle Dr.
Windsor, CA 95492

From: Jim Collins <ottom8it@gmail.com>
Sent: Friday, December 20, 2024 3:42 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

December 20, 2024

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and

cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

I would like to note that the LARGEST existing casino in the entire Bay Area is located less than a 15 minute drive from the proposed location. This seems absurd to place yet another casino so short a distance away but what is more outrageous is that this new casino would be located among a residential community with homes, parks, churches and schools. **Less than 100 feet away from these communities and just across the street!** For all the existing casinos in California they at least are located far from communities and homes. This location would destroy the surrounding communities that it would be adjacent to and be a cancer to the neighborhoods it would be next to. I beg you please do not let this move forward. This project does not belong in the middle of a residential neighborhood.

Sincerely,

James Collins
5357 Arnica Way Santa Rosa CA 95403

December [XX], 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

My husband and I are ~~I am~~ a Sonoma County resident, and ~~we~~ ^{we} strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Mona Behan & Alan Crisp

[Your Name]
[Your Address]

*6867 Nolan Rd.
Forestville, CA 95436*

*We didn't write
this letter but we
completely agree
with the sentiments
expressed.*

December 13, 2024

PACIFIC REGIONAL OFFICE

Amy Dutschke, Regional Director
 Bureau of Indian Affairs, Pacific Region
 2800 Cottage Way, Sacramento, California 95825

2024 DEC 19 PM 4:28
 BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County / Town of Windsor resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. I have lived in Windsor for over 25 years and raised my children here. This massive development would destroy our community and pristine land.

The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have **raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts**. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Lori A. Tomsy
 7430 14th Hole Dr.
 Windsor, CA 95492

December 17th, 2024

PACIFIC REGIONAL OFFICE

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

2024 DEC 20 PM 12:19

BUREAU OF INDIAN AFFAIRS

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,



Eliseo Valladares, D.D.S.

1432 Birdie Dr. Windsor CA. 95492

From: Susan Morton <CommandoCK@aol.com>
Sent: Saturday, December 21, 2024 2:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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 Regional Director Dutschke and Mr. Broussard,

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), fails to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

My family lives up the road from the proposed hotel-casino-winery site, in one of several residential neighborhoods that surround it. We and our neighbors would be significantly impacted for the worse by the increased traffic and noise, air, and light pollution - as well as the anticipated higher crime rate for our unchanged residential population, decreased property values and corresponding tax revenues for schools, decreased water supply, and slower evacuation times. A few construction groups may benefit in the short term from this proposed project, but it is we -- the surrounding community -- who will bear all the costs of the environmental impacts in perpetuity, and potentially with our own lives during an emergency evacuation.

We currently enjoy using Esposti Park, which is across the road from the proposed project site, as well as Shiloh Ranch Regional Park at the end of Shiloh Road. They will not be as peaceful, enjoyable, or safe for people or the abundant wildlife in Shiloh Ranch Regional Park, if a hotel-casino-winery complex is built next door. Many locals host kids' birthday parties and picnics, walk their dogs, and participate in cycling, softball, baseball, soccer, hiking, and horseback riding in and around the parks; those activities will be harmed by the increased noise, traffic, air pollution, drunk driving, and crime from a 24x7x365 commercial operation nearby. The deer, bobcats, coyotes, hawks, eagles, owls, skunks, rabbits, and other wildlife will be negatively impacted by it, too, as well as by the light pollution at night.

In 2017, we could see flames from the Tubbs Fire in the Mayacamas Mountains a mile away from the proposed project site; one of my coworkers died from that fire when he couldn't evacuate in time, suffering burns over 90% of his body, while another nearly lost her life fleeing the flames that surrounded her car on Old

Redwood Highway. I know dozens more families who lost their homes and have harrowing tales of escape after having only minutes to leave. In 2019, we were forced to evacuate for nearly two weeks because of the Kincadee fire, which destroyed structures along Faught Road and burned a field 1/4 mile east of our house. By the time an evacuation notice was issued for our zone, Old Redwood Highway outside my front door was already clogged with stop-and-go traffic from evacuees fleeing farther north. It was even worse 30 minutes later when we left, and worse still throughout the afternoon as more Windsor residents evacuated. During the 2018 Camp Fire in Paradise, California, and the 2023 fire in Lahaina, Hawaii, several people died when they became trapped by stopped traffic and fast moving-flames; slow evacuation routes can kill.

Access to Highway 101 from the proposed site and the surrounding communities is via Shiloh Road, a two-lane country road, which does not have carpool lanes on its Highway 101 entrance ramps, unlike other highway entrances to the north and south. Currently, traffic frequently backs up on Shiloh Road during peak periods. Furthermore, in the past couple years, over a dozen high-density housing and small commercial projects have been approved and are being built along Old Redwood Highway and the Shiloh Road corridor. Because of these projects, the traffic and number of people in the immediate area will grow significantly compared to 2019, but no traffic mitigations have been approved or implemented to date. If the BIA approves a hotel-casino-winery project on this site, it will add thousands more people who are unfamiliar with the area and hundreds of automobiles to this evacuation route bottleneck, where there is elevated fire risk and limited water resources, day and night. If this proposal is approved, it could push the community's environmental impacts past breaking points.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

Our communities support local indigenous tribes. However, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County — let alone the Chickasaw Nation of Oklahoma, who would develop and operate this proposed hotel-casino-winery complex. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Susan Morton

6268 Old Redwood Hwy.,

Santa Rosa, CA 95403

From: Claudia Volpi <claudiasvolpi@gmail.com>
Sent: Saturday, December 21, 2024 12:17 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: Volpi Nicola <involpi@yahoo.com>
Subject: [EXTERNAL] FEIS - Koi Nation Shiloh Resort/Casino

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

December 21, 2024

Chad Broussard, *Environmental Protection Specialist, Bureau of Indian Affairs*

Copy to:

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Dear Mr. Broussard and Regional Director Dutschke:

I am a resident in Windsor off Shiloh Road and I vehemently oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, continues to fail to sufficiently and adequately address the dangerous and harmful impact that this project will have on its immediate neighbors, the Windsor community and the extensive wildlife population that lives adjacent to the proposed casino and hotel. Above all else, the risk to life during wildfire evacuations, which are occurring more frequently, is unacceptable. Those of us at the east end of Shiloh Road have no other way out to safety!

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation

measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

While I understand the desire to make reparations, it cannot be done hastily or haphazardly. This tribe has no claim to this land. The BIA will be complicit in a duplicitous land grab on behalf of this tribe and set precedent for future similar operations.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Please do the right thing. Thanks you on behalf of myself, my children and my neighbors.

Claudia Volpi

7300 Shiloh Ridge

Pardon any spelling errors. Sent on the go from my iPhone.

From: Christopher Chung <jedi.cchung@gmail.com>
Sent: Saturday, December 21, 2024 1:15 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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December 21, 2024

Amy Dutschke, Regional Director,
Bureau of Indian Affairs, Pacific Region
2800 Cottage Way, Sacramento, California 95825

Chad Broussard
Environmental Protection Specialist
Bureau of Indian Affairs

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke and Mr. Broussard:

I am a Town of Windsor and Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given that it falls during the busy holiday season, effectively limiting meaningful public participation. We demand an extension of this period to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,
Christopher and Leena Chung
7436 14th Hole Drive
Windsor, CA 95492

From: Jack Hartman <jack_h@sonic.net>
Sent: Sunday, December 22, 2024 9:44 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Strongly Oppose 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,

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Jack L Hartman

2335 Nordyke Ave
Santa Rosa CA 95403

From: markandmerilee@aol.com <markandmerilee@aol.com>
Sent: Monday, December 23, 2024 1:11 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: mmaystrovich@icloud.com <mmaystrovich@icloud.com>; markandmerilee@aol.com <markandmerilee@aol.com>
Subject: [EXTERNAL] FEIS 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.

Please read the attached letter.

Thank you,
Mark Maystrovich

December 20, 2024

Chad Broussard,
Environmental Protection Specialist, Bureau of Indian Affairs
Chad.broussard@bia.gov

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Environmental Protection Specialist Broussard:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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Sincerely,

Mark John Maystrovich III
6114 Amie Drive
Windsor, CA 95492
mmaystrovich@icloud.com

From: Brenda Catelani <bmcats@pacbell.net>
Sent: Monday, December 23, 2024 9:22 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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 and Regional Director Dutschke:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

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While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Brenda Catelani

5842 Leona Court, Windsor, CA 95492

Sent from my iPad

From: Pat Warren <patdjw7@comcast.net>
Sent: Monday, December 23, 2024 11:11 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Subject: FEIS Comments, Koi Nation Shiloh Resort and Casino

Dear Chad Broussard:

I am a Sonoma County resident, and I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains overly complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, and traffic congestion on sub-standard Shiloh road, school bus pickup & drop offs in Oak Park & Oak Creek neighborhoods next to casino, disruption in Food Bank pickup at church across from casino and wildfire risk. The Town of Windsor has approved projects and under construction projects of 1675 homes and two commercial businesses that will be entering and exiting on Shiloh Road. I believe these following issues have not been addressed thoroughly and honestly: major wild fire exodus and evacuation routes, lack of law enforcement and public safety, medical services, prostitution, drunk driving, air pollution, noise, utility overuse, visual obscenity of casino in a pastoral setting, and broader economic impacts. . Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. The 30-day comment period is particularly outrageous, given

that it falls during the busy holiday season, effectively limiting meaningful public participation.

While I support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,
Pat Warren
6181 Lockwood Dr. Windsor CA 95492

From: Mark Catelani <mpcat@pacbell.net>
Sent: Monday, December 23, 2024 11:54 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Cc: MARK CATELANI <mpcat@pacbell.net>
Subject: [EXTERNAL] FEIS 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 am a lifelong Sonoma County resident and live in the Town of Windsor.

I strongly oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The Final Environmental Impact Statement (FEIS) released on November 22, 2024, much like the earlier draft environmental impact statement (DEIS), contains complex and technical information, but nonetheless continues to fail to adequately address the significant and far-reaching impacts this project will have on the surrounding community and Sonoma County as a whole.

The Bureau of Indian Affairs (BIA) is not listening to the concerns of the community. Massive opposition exists at every level—from the state down to individual neighborhoods. Sonoma County and the Town of Windsor have raised critical concerns regarding water supply, wastewater management, traffic congestion, wildfire risk, and evacuation routes, law enforcement and public safety, housing, and broader economic impacts. Local indigenous tribes have also highlighted the profound and harmful effects this project will have on their cultural resources. Despite these serious concerns, the BIA has failed to address them adequately, and many mitigation measures outlined in the FEIS are vague, framed merely as "best management practices" without any enforceable guarantees. The traffic studies in the report do not represent the current traffic in the area due to the changes in the area since the two-year-old study.

This location is not appropriate for a resort and casino. It is directly across the street from a residential neighborhood and kids' baseball park. A resort and casino should not be allowed in this area. The appropriate location for a this resort and casino would be in a commercial area. Please consider the impact of this resort and casino to the residents in this area.

You have promised to consider public comments, but it is evident in the FEIS that you have not. The current process feels rushed and dismissive of the voices of those who will be directly affected. This response 30-day comment period is an example of the rushing. It seems very short, given that it falls during the busy holiday season, effectively limiting meaningful public participation. An extension of this response period is needed to allow the community sufficient time to respond thoroughly.

While we support local indigenous tribes, this project is not suitable for Sonoma County and does nothing to restore lands to the Koi Nation, whose ancestral homeland lies more than 50 miles away in Lake County. The only way to prevent the severe environmental, social, and cultural harm this project poses is for the BIA to approve the environmentally preferred "no project" alternative in the FEIS.

Sincerely,

Mark Catelani
5842 Leona Court
Windsor, Ca 95492

From: Rose Steele <rsteele@wenewellness.org>
Sent: Monday, December 23, 2024 9:19 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Rose Steele
9417 Sedge Root Place
Windsor, Ca 95492

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, “Interested Sonoma County Tribes” can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, “Interested Sonoma County Tribes” will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi’s ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are “less than significant” and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi’s planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor’s municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The “analysis” predicts that Windsor will adopt measures to “substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

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protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of “local land use authorities” and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses “nearly four times greater” water than Koi’s proposed casino. (FEIS p. 3-157, lines 16-20.)

WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi’s FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi’s own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts.

Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS’s conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a]project would be considered to have a

significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133, lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur(FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because “the County has augmented systems and methodologies for alerting and evacuating” with improved “evacuation zones and increasing the means for delivery of evacuation notification.” (FEIS p. 3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.) This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires despite being flanked by a trailer park subdivision to the West and a high-density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years. There is no

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County’s proposed level despite Koi’s own finding that no new staff or

facilities are needed to support about “1,433 calls per year and result in 33 arrests during the first year of operations.” (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi.

On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi’s alternative plan recognizes the need for 24 hr services “staffed at all times with a minimum of 3 personnel each trained as a firefighter and emergency medical technician.” (FEIS p. 3-103, lines 37-40.)

This indicates that Koi’s proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi’s proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino’s were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p. 3-180, lines 12-13.) Healdsburg which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campofina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are “less than significant” and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi’s project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a “less than significant” impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy. In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes.

Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Rose Steele

From: Baia-Ku RedHawk <steeleredhawkjr@gmail.com>
Sent: Monday, December 23, 2024 9:24 AM
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It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a]project would be considered to have a

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II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

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The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes.

Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Baia-Ku RedHawk

From: Elem Modun <elem_paintbrush@hotmail.com>
Sent: Monday, December 23, 2024 9:32 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Pawnum RedHawk
P.O. Box 1130
Lower Lake, Ca 95457

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma

County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify,

analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase

property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The

tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, “Interested Sonoma County Tribes” can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, “Interested Sonoma County Tribes” will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County

over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are “less than significant” and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The “analysis” predicts that Windsor will adopt measures to “substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it's necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of "local land use authorities" and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses "nearly four times greater" water than Koi's proposed casino. (FEIS p. 3-157, lines 16-20.)

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Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal

endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to

secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Pawnum RedHawk

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From: Isreal Steele <hintemumota@hotmail.com>
Sent: Monday, December 23, 2024 10:18 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Israel Steele
9496 basket circle #124
Windsor, CA 9547
Lytton Rancheria Tribal Member

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term "restored lands" under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of "restored lands" and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts

to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly

glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

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The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

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The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts.

Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because "[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area." (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133, lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur (FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because "the County has augmented systems and methodologies for alerting and evacuating" with improved "evacuation zones and increasing the means for delivery of evacuation notification." (FEIS p. 3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.) This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires

despite being flanked by a trailer park subdivision to the West and a high-density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years. There is no

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County's proposed level despite Koi's own finding that no new staff or facilities are needed to support about "1,433 calls per year and result in 33 arrests during the first year of operations." (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi.

On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi's alternative plan recognizes the need for 24 hr services "staffed at all times with a minimum of 3 personnel each trained as a firefighter and emergency medical technician." (FEIS p. 3-103, lines 37-40.)

This indicates that Koi's proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino's were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p. 3-180, lines 12-13.) Healdsburg which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campofina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are “less than significant” and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi’s project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a “less than significant” impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence.

6 / 8

Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy. In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stabile enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress' intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have

the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

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Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Israel Steele

From: Sherry Steele <[redacted]>
Sent: Monday, December 23, 2024 10:34 AM
To: Broussard, Chad N <[redacted]>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Sherry Steele
9706 Abalone Circle
Windsor, CA 9547
Lytton Rancheria Tribal Member

December 23, 2024

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
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It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

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The FEIS concludes that in-migration impacts on the housing supply are “less than significant” and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi’s project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a “less than significant” impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

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Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were

sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60's. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of "restored lands" from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the "restored lands" exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress' intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the

Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Sherry Steele

From: Cynthia Weekley <cynthiaweekley@yahoo.com>
Sent: Monday, December 23, 2024 11:10 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Re: FEIS 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.

Cynthia Weekley
1077 East Arrow Hwy
Upand Ca 91786
December 23, 2024
Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
Sacramento, CA 95825

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton’s close proximity. The FEIS merely includes Lytton under “Interested Sonoma County Tribes.” There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi’s proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi’s proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services. This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it's necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of "local land use authorities" and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses "nearly four times greater" water than Koi's proposed casino. (FEIS p. 3-157, lines 16-20.)

WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation

mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts. Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

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Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Cynthia Weekley

From: Kaya Lane <skinbykaya@gmail.com>
Sent: Monday, December 23, 2024 11:30 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Kaya Lane
9620 Falling Oak Ct.
Windsor, CA 95492
Resident of Windsor

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied.

First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term "restored lands" under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of "restored lands" and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland. The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant

environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.) Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services. This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the

Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

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WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts. Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because "[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area." (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133,

lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur (FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because “the County has augmented systems and methodologies for alerting and evacuating” with improved “evacuation zones and increasing the means for delivery of evacuation notification.” (FEIS p.3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.)

This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires despite being flanked by a trailer park subdivision to the West and a high-density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years.

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County’s proposed level despite Koi’s own finding that no new staff or facilities are needed to support about “1,433 calls per year and result in 33 arrests during the first year of operations.” (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi.

On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi’s alternative plan recognizes the need for 24 hr services “staffed at all times with a minimum of 3 personnel each trained as a firefighter and emergency medical technician.” (FEIS p. 3-103, lines 37-40.)

This indicates that Koi’s proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project.

Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort.

If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services

will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino's were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p.

3-180, lines 12-13.) Healdsburg which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campofina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are "less than significant" and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi's project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a "less than significant" impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal

recognition restored and the land qualifies as "restored lands." To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a "significant historical connection" required that the land be within ancestral territory of the tribe evidenced by being within the tribe's last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define "restored lands."

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items. Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy.

In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

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Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,
Kaya Lane

From: Jesus Galindo <cadiext707@gmail.com>
Sent: Monday, December 23, 2024 11:36 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Jesus Galindo
9680 Abalone Circle
Windsor, CA 95492
Lytton Rancheria Tribal Member

December 23, 2024

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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Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS’s conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

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II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

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Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California.

Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60's and 70's created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60's. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of "restored lands" from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the "restored lands" exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress' intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes.

Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will

increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Jesus Galindo

From: Amaya Galindo <amayagalindo23@gmail.com>
Sent: Monday, December 23, 2024 11:37 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Amaya Galindo
9680 Abalone Circle
Windsor, CA 95492
Lytton Rancheria Tribal Member

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, “Interested Sonoma County Tribes” can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, “Interested Sonoma County Tribes” will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi’s ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are “less than significant” and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi’s planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor’s municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The “analysis” predicts that Windsor will adopt measures to “substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it’s necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-

19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of “local land use authorities” and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses “nearly four times greater” water than Koi’s proposed casino. (FEIS p. 3-157, lines 16-20.)

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III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes.

Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will

increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Amaya Galindo

From: valerie viramontes <valerie.viramontes0908@gmail.com>
Sent: Monday, December 23, 2024 11:40 AM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino Project

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Valerie Viramontes
2557 Francisco Ave
Santa Rosa, CA 95403

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, “Interested Sonoma County Tribes” can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, “Interested Sonoma County Tribes” will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi’s ancestral territory being in Lake County.

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The FEIS concludes that groundwater and recharge impacts to the local aquifer are “less than significant” and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi’s planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor’s municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The “analysis” predicts that Windsor will adopt measures to “substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

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WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts.

Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or

exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a]project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133, lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur(FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because “the County has augmented systems and methodologies for alerting and evacuating” with improved “evacuation zones and increasing the means for delivery of evacuation notification.” (FEIS p. 3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.) This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires despite being flanked by a trailer park subdivision to the West and a high-density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years. There is no

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County's proposed level despite Koi's own finding that no new staff or facilities are needed to support about "1,433 calls per year and result in 33 arrests during the first year of operations." (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi.

On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi's alternative plan recognizes the need for 24 hr services "staffed at all times with a minimum of 3 personnel each trained as a firefighter and emergency medical technician." (FEIS p. 3-103, lines 37-40.)

This indicates that Koi's proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino's were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p. 3-180, lines 12-13.) Healdsburg which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campofina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are “less than significant” and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi’s project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a “less than significant” impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy. In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

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Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Valerie Viramontes

From: Janna Roberts <jannarob@gmail.com>
Sent: Monday, December 23, 2024 12:33 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Janna Alyssa Roberts
PO Box 241
Valley Ford, Ca, 94972

December 23, 2024

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
2800 Cottage Way, Room W-2820
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Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or

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II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

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Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under

the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi’s fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi’s first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA’s unprecedented interpretation changing the meaning of “restored lands” from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Janna Roberts

From: Mary Day <marydaystudio@gmail.com>
Sent: Monday, December 23, 2024 1:03 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] Re: FEIS 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.

Mary Day
555 Sparkes Rd
Sebastopol Ca, 95472
Lifelong Sonoma County resident

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term

“restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested

interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright

or by omission. The FEIS merely assists the DOI in determining whether to transfer property

from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is

"less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services. This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after

protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

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Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small

membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the

authority to contravene Congress or be derelict in its duty to implement and execute Congresses

trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information

that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi’s fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county

when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

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or at least preliminarily prepared a historical and modern connection to that property as well.

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In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E Shiloh Rd. Santa Rosa, Ca.

Respectfully,
Mary E. Day

From: K8 Mck8 <mckinnonk09@gmail.com>
Sent: Monday, December 23, 2024 2:34 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Kate McKinnon
1430 Creamery Alley
Arcata, CA 95521
Environmental Studies Student

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term “restored lands” under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of “restored lands” and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

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- 1.
- 2.
3. **IMPACTS**
- 4.

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure

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WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are “less than significant” and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The “analysis” predicts that Windsor will adopt measures to “substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it's necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of “local land use authorities” and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses “nearly four times greater” water than Koi's proposed casino. (FEIS p. 3-157, lines 16-20.)

WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts.

Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133, lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur (FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because “the County has augmented systems and methodologies for alerting and evacuating” with improved “evacuation zones and increasing the means for delivery of evacuation notification.” (FEIS p. 3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.) This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires despite being flanked by a trailer park subdivision to the West and a high-density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years. There is no

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County's proposed level despite Koi's own finding that no new staff or facilities are needed to support about "1,433 calls per year and result in 33 arrests during the first year of operations." (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi.

On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi's alternative plan recognizes the need for 24 hr services "staffed at all times with a *minimum* of 3 personnel each trained as a firefighter and emergency medical technician." (FEIS p. 3-103, lines 37-40.)

This indicates that Koi's proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino's were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p. 3-180, lines 12-13.) Healdsburg which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campofina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are “less than significant” and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi’s project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a “less than significant” impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy. In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

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Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Kate McKinnon

From: Angel Galindo <galindoangel1998@gmail.com>
Sent: Monday, December 23, 2024 2:44 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Angel Galindo
521 Waterstone Dr.
Medford OR, 97504
Lytton Rancheria Tribal Member

December 23, 2024

Chad Broussard, Environmental Protection Specialist
Bureau of Indian Affairs, Pacific Regional Office
[2800 Cottage Way, Room W-2820](#)
Sacramento, CA 95825

Re: FEIS Comments, Shiloh Resort and Casino Project

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I. I. IMPACTS LOCAL TRIBES

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The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as “restored lands.” To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a “significant historical connection” required that the land be within ancestral territory of the tribe evidenced by being within the tribe’s last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define “restored lands.”

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

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Under this new interpretation, out of state tribe’s could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at [222 E. Shiloh Road](#) in Santa Rosa, CA.

Respectfully,

Angel Galindo

From: Valerie Galindo <valerie_dyann92@yahoo.com>
Sent: Monday, December 23, 2024 2:56 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS 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.

Valerie Nelson
9686 Abalone Circle
Windsor, CA 9547
Lytton Rancheria Tribal Member

December 23, 2024

Dear Mr. Broussard,

The Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project located at 222 E. Shiloh Road in Santa Rosa, CA should be denied. First, the Final Environmental Impact Statement (hereafter FEIS) ignores, mischaracterizes, and/or fails to sufficiently analyze the impacts on tribes Indigenous to Sonoma County, the immediate vicinity, and to the County as a whole regarding several key concerns. Second, the Department of the Interior (hereafter DOI) lacks the authority to approve this fee-to-trust application under a novel interpretation of the term "restored lands" under the National Indian Gaming Regulatory Act (hereafter IGRA) without Congressional approval. Third, approval of this fee-to-trust application amounts to a violation of the trust responsibility the federal government owes to the tribes Indigenous to Sonoma County. Finally, the Assistant Secretary for Indian Affairs, Bryan Newland, has multiple conflicts of interest as the former attorney for the Koi Nation who designed the current strategy and untested interpretation of "restored lands" and was recently the Chairperson of the Bay Mills Indian Community in Michigan when his tribe similarly sought approval to put land in trust for gaming that was outside of its ancestral homeland.

The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

- **I. IMPACTS**

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its

claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services.

This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

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Under this new interpretation, out of state tribes could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60's and 70's created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60's. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of "restored lands" from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribes history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the "restored lands" exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress' intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of "modern" and "historical" connection to qualify a fee-to-trust application under the "restored lands" exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot

be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi's fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma county when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

IV. MULTIPLE CONFLICTS OF INTEREST

Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi's first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

In Step #2, Mr. Newland helped advance the BIA's unprecedented interpretation changing the meaning of "restored lands" from ancestral territory to a definition that even a tribe with remote connections could asserted. This move will directly benefit his former client. Koi has asserted a historical connection to Sonoma County by selectively weaving together bits and pieces of the Lower Lake Rancheria history. Mr. Newland was free to reject this interpretation and remain in compliance with Congresses intent in the IGRA.

In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Valerie Nelson

From: Misty Lopez <misty8589@yahoo.com>
Sent: Monday, December 23, 2024 3:58 PM
To: pawmiwok@gmail.com <pawmiwok@gmail.com>; Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL]

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Paul Lopez
P.O.Box 1215
Crescent City, CA 95531

December 23, 2024

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

Re: FEIS Comments, Shiloh Resort and Casino Project

Dear Mr. Broussard,

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The DOI is charged with evaluating the FEIS properly which requires the DOI to use of other resources beyond the FEIS to assess and verify its veracity about conditions, assumptions, and conclusions. This is necessary to ensure the FEIS does not mischaracterize any elements outright or by omission. The FEIS merely assists the DOI in determining whether to transfer property from fee-to-trust by having the tribe identify, analyze, and mitigate any significant environmental impacts associated with putting the subject land into trust on behalf of the tribe.

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Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis th

indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services. This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

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The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the

Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of

Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it's necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of "local land use authorities" and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also

points out that Windsor uses "nearly four times greater" water than Koi's proposed casino. (FEIS p. 3-157, lines 16-20.)

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The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of

mitigation mostly on local agencies in Windsor and Sonoma County as if it satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts. Wildfire and drought have, and continue to significantly impact Sonoma County. The two are

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health and safety of residents, other local tribes, and the potential users of the proposed casino.

It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS

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Paul R Lopez

From: Kauth, Lenora <Lenora.Kauth@cbnorcal.com>
Sent: Monday, December 23, 2024 4:54 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] SUBJECT LINE: FEIS Comments, Shiloh Resort and Casino Project

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Lenora Kauth
4515 Bennett View Drive
Santa Rosa CA

December 23, 2024

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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On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi's alternative plan recognizes the need for 24 hr services "staffed at all times with a ***minimum*** of 3 personnel each trained as a firefighter and emergency medical technician." (FEIS p. 3-103, lines 37-40.)

This indicates that Koi's proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway in order to prevent a larger public health or safety crisis from spreading beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly because of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casinos were present.

HOUSING

Koi anticipates 1,859 people will be hired for the casino/resort with 1,571 hires coming from among current Sonoma County residents because the population can support this need. (FEIS p. 3-180, lines 12-13.) Healdsburg, which is only a few miles north of Windsor, is experiencing restaurant closures with owners citing lack of staff due to the high cost of housing as a factor. The former restaurant Campo Fina was featured in the Press Democrat on this issue. Employees needed for service jobs cannot afford housing.

The FEIS concludes that in-migration impacts on the housing supply are "less than significant" and do not require mitigation because all housing needs will be satisfied by current vacancies and Koi's project only about 10 families will be from out of the area. (FEIS p. 3-180, lines 14-19.) In-migration cannot accurately nor credibly be described as a "less than significant" impact in Sonoma County. The tight housing supply has resulted in families moving away and teachers cannot afford to live here. The same goes for police, fire, professors, and other careers.

II. IGRA - RESTORED LANDS

The DOI does not have the authority to approve the Koi fee-to-trust application without Congressional approval. The Indian Gaming Regulatory Act (hereafter IGRA) that Congress passed in 1988 prohibits gaming on lands taken in trust after 1988 unless tribes had their federal recognition restored and the land qualifies as "restored lands." To do so, the tribe must show a modern and significant historical connection to the land which has never been interpreted in the novel, untested way that this current administration seeks to apply.

This is unprecedented and will lead to immediate and disastrous consequences for California Indian tribes. Until now, a "significant historical connection" required that the land be within ancestral territory of the tribe evidenced by being within the tribe's last reservation or where the tribe has historical documentation to support that it occupied the land with a consistent presence. Koi argues that the BIA has broad authority to interpret IGRA section 2791(b)(1)(B)(iii) because IGRA does not define "restored lands."

There is no documented or oral tradition to support the contention that a tiny band of Indians indigenous to Lower Lake had a sweeping claim to ancestral territory stretching from Lower Lake, through West Sonoma County, and down to Vallejo. It is insulting and disingenuous for any small band to claim such a broad territory and they cannot prove this claim based on their traditional medicines, housing materials, materials for baskets, tools, implements, other items.

Koi claims that traditional trade routes establish occupancy and a permanent presence. However, traditional trade routes have not been interpreted traditionally or modernly to include occupancy. In fact, the description of a “trade route” necessarily implicates a transient association not occupancy. Moreover, the Native and Anglo interpretations of claiming territory by force are more appropriate here because Koi intends to obtain this territory over the objection of the true Native occupants of Sonoma County.

Under this new interpretation, out of state tribes could show historical connections based on the policies implemented by the federal government during the genocide of Indians in California through sending children to far flung boarding schools in Nevada, Oregon while having children from out-of-state tribes sent to California. Slavery under the mission system would also give tribes standing to put land in trust for gaming under this interpretation. The Relocation policies in the 60’s and 70’s created populations of out-of-state Indians in California cities that eventually eclipsed their home states and resulted in California Indians often being overrun by the interests of out-of-state Indians until the last 20 years or so where many of the newly restored tribes were sufficiently organized and stable enough to assert their interests and resume a leadership role in their ancestral territory.

Even within California, many tribes were displaced or nearly exterminated leaving many to relocate to areas that were safer, offered jobs, homes, and stability outside their ancestral lands. Lytton for instance, had a large proportion of their membership living in Crescent City, since the 60’s. Round Valley, Point Arena, and even the Yurok tribe have large numbers of their membership living in Sonoma County. The areas in and surrounding Sacramento are home to large populations of numerous tribes from all over California. Changing the meaning of “restored lands” from ancestral territory to this novel interpretation does not just remove the geographic link but completely extinguishes the tribe's history, culture, and identity with the stroke of a pen. Ironically, a stroke of the pen is what terminated tribes and led to the “restored lands” exception in IGRA.

Without Congressional authorization, the BIA and DOI do not have broad authority to allow tribes to fabricate a loosely woven connection based on modern residency established by a small membership after the colonization of the state with the result of disenfranchising and harming tribes Indigenous to Sonoma County. Congress’ intent must also meet its trust obligations to tribes.

III. TRUST RESPONSIBILITY

Deviating from the long-standing interpretation of “modern” and “historical” connection to qualify a fee-to-trust application under the “restored lands” exception in IGRA violates the trust responsibility the federal government owes to tribes. Therefore, the BIA and DOI do not have the authority to contravene Congress or be derelict in its duty to implement and execute Congresses trust responsibility to tribes. This cannot be interpreted to permit one out-of-county tribe to irreparably harm all federally recognized tribes Indigenous to Sonoma County.

Lytton, Graton, Dry Creek have all been forced to spend an outsized amount of funds under agreements with Sonoma County and other local agencies, to combat the inaccurate information that gets circulated in the public sphere, sometimes the hostility is overtly racist, it inflames public sentiment against future tribal endeavors. Yet, the tribes Indigenous to Sonoma County must continually address these topics and the unpleasant discourse that follows. Granting Koi’s fee-to-trust application will increase these tensions for Tribes indigenous to Sonoma County when they seek to take land in trust in the future or pursue other projects. While this is par for the course, it cannot be justified when the culprit is a tribe from another county coming in and harming the interests of all the local tribes in violation of the trust responsibility the federal government owes to the 5 tribes Indigenous to Sonoma County: Lytton, Dry Creek, Graton, Kashia, and Cloverdale. Moreover, it will make it more difficult for the Wappo tribe (Alexander Valley) to obtain federal recognition or acquire land in trust when they are eventually federally recognized.

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Last but not least, the conflicts of interest involving the Assistant Secretary for Indian Affairs Bryan Newland cannot escape scrutiny. He was the attorney for the tribe formerly known as the Lower Lake Rancheria in their quest to secure land in-trust beyond their ancestral territory because it is in the less lucrative market of Lower Lake, CA.

In Step #1, Mr. Newland designed this strategy to seek land outside of Lake County. Koi’s first attempt to secure land-in-trust on Mare Island in Vallejo failed. Presumably Koi also documented or at least preliminarily prepared a historical and modern connection to that property as well.

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In Step #3, Mr. Newland may potentially benefit personally as a member of the Bay Mills Indian Community in Michigan where he was tribal Chair until recently. Bay Mills also sought approval to put land in trust for gaming that was outside of its ancestral homeland.

Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,
Lenora Kauth

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From: dawgonzalez@aol.com <dawgonzalez@aol.com>
Sent: Monday, December 23, 2024 10:38 PM
To: Broussard, Chad N <Chad.Broussard@bia.gov>
Subject: [EXTERNAL] FEIS Comments, Shiloh Resort and Casino

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

Dawn Gonzalez
Tribal Member of the Lytton Rancheria 9640 Falling Court
Windsor, CA 95492
707-328-3503
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December 23, 2024

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

RE: FEIS Comments, Shiloh Resort and Casino Project
Attn. Mr. Broussard,

This letter is written to request the denial of the Koi Nation fee-to-trust application for the Shiloh Resort and Casino Project expected to be located at 222 E. Shiloh Road in Santa Rosa, CA. After carefully reviewing the Final Environmental Impact Statement (here after FEIS) provided by the Department of the Interior (here after DOI), it was left clear that there was no intention to ever bring to attention the direct impact that the proposed project would have on indigenous tribes whom truly originate from Sonoma County and residents in the adjacent area. Such ignorance is not only hurtful to local indigenous tribes, but undermines what their great-grandfathers and great-grandmothers fought hard to establish and under much stricter conditions. For this reason, the involved tribe, the Koi Nation originating from Lake County, should be held to the same standards and stipulations at the very least.

Additionally, the DOI, should not be granted the authority to approve the concerning fee-to-trust application on the basis of an “interpretation” of the term “restored lands” under the National Indian Gaming Regulatory Act (her after IGRA). Such authority should only be granted by congressional approval. Approval without the suggested would be a breach of trust between the federal government and tribes indigenous to Sonoma County.

Lastly, if the above wasn’t reason enough, the Assistant Secretary for Indian Affairs, Bryan Newland, has clear conflicts of interest as the former attorney for the Koi Nation who directly had do with the above interpretation of “restored lands” and the basis on which the proposed project is being fundamentally built on. Similarly, during his recent position as Chairman of the Bay Mills Indian Community in Michigan, he directly had hand in the pursuit of approval to establish a similar project (including seeking approval for land in trust for gaming) outside of its ancestral homeland.

Considering the listed concerns, it is beyond reasonable to conclude that the DOI is currently unequipped to make a fair and just evaluation of the above mentioned proposal on the basis of the above mentioned FEIS. In making a profoundly affecting decision, like the establishment of a foreign indigenous tribe’s resort for gaming use, it is also reasonable to expect that such decision will not be made without careful consideration of local indigenous members and the impact that this may directly have with them.

I. IMPACTS

LOCAL TRIBES

Here, the FEIS fails to adequately identify or analyze potential impacts to the Lytton Rancheria (hereafter Lytton) in Windsor despite Lytton's close proximity. The FEIS merely includes Lytton under "Interested Sonoma County Tribes." There are only four direct references to Lytton in the entire report and only one of those involves analysis of an impact to Lytton via a chart with figures estimating the economic impacts to Lytton from Koi's proposed gaming facility in Windsor. (FEIS p. 167, see chart.) However, these numbers are not supported by analysis that indicates how the FEIS made such a determination. Moreover, Lytton is not mentioned in any section of the FEIS that addresses the impacts on the local water aquifer. This is particularly glaring in light of the extreme drought that Sonoma County has experienced in the last decade. While the FEIS almost completely ignores impacts to Lytton, it states that property values in the vicinity of San Pablo Lytton Casino (among others) have increased to bolster its claim that Koi's proposed casino will increase property values to those in the immediate vicinity. (FEIS p. 3-74, lines 31-34.)

Dry Creek Rancheria (hereafter DCR) is a tribe Indigenous to Sonoma County. Under socioeconomic conditions, Koi's FEIS acknowledges the possibility that DCR's "less than optimal location" may result in the closure of River Rock Casino if Koi's trust application is approved. (FEIS p. 3-166, lines 29-32; p. 3-167, lines 4-5.) The FEIS predicts that all other casino's affected will rebound to current levels by adapting excluding DCR to justify its unsupported and self-serving conclusion that socioeconomic impacts to affected gaming tribes is "less than significant" thereby not requiring any mitigation. (FEIS p. 3-167.)

The county loses property tax for Koi's land, does not gain tax revenue from Koi's casino, and the surrounding property values are projected to be reduced thereby reducing more revenue to the County from property taxes. The reduction in revenue for the County and other local agencies is compounded if Koi does not reach agreements with the County and Fire services. This affects every tribe that is Indigenous to Sonoma County when they seek to navigate taking land into trust or negotiate agreements with local agencies. The tension, hostilities, and public discourse associated with these topics tend to look only at the impacts on the County or Cities while completely discounting tribes. However, the primary concern is that the Koi Nation, previously known as the Lower Lake Rancheria, will be exacerbating these tensions making it harder for our own Sonoma County tribes to advance their own interests. The FEIS only acknowledges the potentially devastating effects to DCR. While it is significant and on its own justifies denial of this Koi fee-to-trust application, the impact to all the other Sonoma County tribes must also be considered.

Koi proposes to mitigate damage or loss of Cultural Resources of local tribes through three (3) measures. Under Measure A, "Interested Sonoma County Tribes" can have a tribal monitor with at least 7 days notice of a dig. Under Measure B, "Interested Sonoma County Tribes" will be notified within 48 hours of discovery of an item deemed to trigger notice by Koi. Under Measure C, the Native American Graves Protection and Repatriation Act (hereafter NAGPRA) applies to any human remains or cultural items are discovered and the Bureau of Indian Affairs (hereafter BIA) will notify Koi and other tribes it deems to have a potential affiliation. Here again, Koi is in the position of either superior or equal footing with tribes Indigenous to Sonoma County over the

local tribes own cultural items and resources despite Koi's ancestral territory being in Lake County.

WATER

The FEIS concludes that groundwater and recharge impacts to the local aquifer are "less than significant" and does not require mitigation because they recover quickly once it rains even after protracted drought. (FEIS p. 3-155; p. 3-155, lines 36-37.) The purpose of the FEIS is for the Tribe to identify impacts to the community in the vicinity of the land it proposes to put in trust. The analysis here merely discusses how Windsor, Sonoma County, and the state must mitigate for impacts of the proposed Koi casino/resort. This FEIS totally ignores impacts to the water table at large.

The FEIS states that Koi's planned well for the proposed casino and resort (FEIS p. 3-100, line 17,) is estimated to account for approximately 30% of the total cumulative drawdown of Windsor's municipal wells at Esposti Park and North Windsor. (FEIS p. 3-155, lines 34-36.) The "analysis" predicts that Windsor will adopt measures to "substantially lessen or prevent potentially significant impacts associated with its operation of the Esposti Park and North Windsor Wells. (FEIS p. 3-159, lines 14-16.)

Mitigation only occurs if Koi determines it's necessary to take measures in response to drought related conditions (FEIS p. 3-159, lines 19-23,) or if Windsor takes protective measures by shutting down or reducing usage of the nearby Esposti Park well and/or the North Windsor well in response to drought. (FEIS p. 3-159, lines 16-19.) Ultimately, the FEIS analysis of its own potential impacts on the groundwater and recharge is lacking. In fact, it lays management of groundwater and recharge at the feet of "local land use authorities" and the state despite their lack of authority once the land is in trust for Koi Nation. (FEIS p. 3-155, lines 10-13.) It also points out that Windsor uses "nearly four times greater" water than Koi's proposed casino. (FEIS p. 3-157, lines 16-20.)

WILDFIRE

The FEIS has failed to recognize impacts related to wildfire, thus the conclusions are rendered meaningless. Mitigation is necessary from Koi Nation. Here, Koi's FEIS places the burden of mitigation mostly on local agencies in Windsor and Sonoma County as if it

satisfies Koi's own obligations rather putting forward satisfactory ways Koi can avoid or reduce its projects impacts.

Wildfire and drought have, and continue to significantly impact Sonoma County. The two are inextricably intertwined when assessing impacts related to wildfires as drought increases wildfire risk and spread as vegetation dries out. The FEIS mischaracterizes the impact of a large scale casino/resort on the aquifer/recharge. Vegetation dries out and trees start dying which creates more fuel for wildfires. Thus, the FEIS's conclusion that no mitigation is necessary is also erroneous as it relates to wildfire impacts. This erroneous conclusion results in a complete failure to adequately analyze water and wildfire concerns which are among the most impactful to the health and safety of residents, other local tribes, and the potential users of the proposed casino. It is imperative that the DOI require an adequate FEIS given the recent history of natural disasters in Sonoma County. The Koi land is near dry hills identified by Calfire as level 3 for high wildfire risk and in close proximity to areas ranked level 4 for very high wildfire risk. (FEIS p. 3-125, lines 6-9.) There will be significant water drawdown from the proposed casino/resort. The FEIS accurately describes the present use as vineyards with minimal fuel for a wildfire, but

the expected use includes storage of diesel fuel sufficient to power the casino and resort during power outages. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) However, the FEIS improperly concludes that no mitigation is required by the presence of the large diesel tanks on the site because federal and manufacturer guidelines will be used. (FEIS p. 1-129, line 39 - p. 1-130 line 2.) A wildfire potentially making contact with the diesel storage tanks would inevitably affect quality of life or loss of life from potential release or exposure and that possibility is a significant impact the FEIS is mandated to assess and mitigate (FEIS p. 3-127, lines 34-37,) because “[a] project would be considered to have a significant impact if it were to increase wildfire risk on-site or in the surrounding area.” (FEIS p. 3-129, lines 1-2.)

Moreover, the FEIS only describes the current state of the fire protection landscape by PG&E, as well as local and state agencies. (FEIS p. 3-131.) Under an evacuation scenario with Notice, the FEIS estimates that about 5,300 vehicles could evacuate in 52 minutes. (FEIS p. 3-133, lines 13-23.) The assumptions underlying this conclusion are suspect. They rely on orderly evacuation With Notice, ideal fire conditions that allow the Koi site to evacuate one hour in advance of other zones. (FEIS p. 1-133, lines 18-26.)

It also presumes that a No Notice scenario does not reoccur (FEIS p. 3-131, lines 36-39,) because of the fire protection strategies have improved since the Tubbs fire because “the County has augmented systems and methodologies for alerting and evacuating” with improved “evacuation zones and increasing the means for delivery of evacuation notification.” (FEIS p. 3-131, lines 13-16; p. 3-136, lines 6-9.)

It is imperative that the DOI verify these conclusions. The mitigation put forward merely involves either triggering an evacuation of the Koi site based on warnings and orders to nearby zones or to create a specific zone for Koi. (FEIS p. 3-133, lines 29-33; p. 3-136, lines 10-11.) This mitigation relies entirely on the County to coordinate, execute, and fund as the only fire funding proposed is for non-wildfire related calls. (FEIS p. 3-136, lines 3-6; 11-18.) It is how the FEIS arrives at the conclusion that a large casino/resort would not have a significant impact on the County or local community in relation to wildfires despite being flanked by a trailer park subdivision to the West and a high- density housing subdivision to the North. (FEIS p. 3-136, lines 16-18.)

The FEIS does not contemplate the possibility that ideal evacuations may not occur or analyze the capacity of roadways in the event of a fast-moving, erratic wildfire. In fact, the FEIS states it only included mention of the No-Notice Wildfire scenario at the behest of comments to the prior iteration of its EIS. There is no meaningful analysis, just an estimate of how long it will take to evacuate with no basis for the statement except to point out what a fine job Sonoma County has done to prepare for future wildfires. These platitudes are not acceptable in lieu of critical analysis of a topic that has scarred our County many times in recent years. There is no

POLICE/FIRE MITIGATION

The FEIS discusses adverse impacts to County/City tax revenues which it deems potentially significant. Koi proposes to fund law enforcement services based on Sonoma County’s proposed level despite Koi’s own finding that no new staff or facilities are needed to support about “1,433 calls per year and result in 33 arrests during the first year of operations.” (FEIS p. 3-102, lines 37-40.) While the mitigation indicates that Koi will negotiate an agreement to fund six deputies to staff an additional 24/7 patrol position (FEIS p. 3-102, lines 40 - p. 3-103, line 5,) there is no enforcement mechanism. Alternatively, Koi offers to fund its own police services if it does not

reach an agreement with the county. Since California is a PL 280 state, the local law enforcement may still find it necessary to provide services even if no agreement is reached with Koi. On the other hand, the FEIS estimates 291 calls to the proposed casino/resort for fire or EMT services annually. (FEIS p. 3-103, lines 26-27.) Yet, Koi offers nothing concrete for Fire/EMT services except a willingness to negotiate to cover direct/indirect costs and a meeting to improve services upon request. (FEIS p. 3-103, lines 30-32.) If no agreement is reached, Koi's alternative plan recognizes the need for 24 hr services "staffed at all times with a *minimum* of 3 personnel each trained as a firefighter and emergency medical technician." (FEIS p. 3-103, lines 37-40.) This indicates that Koi's proposed mitigation for the Fire/EMT services to Sonoma County is arbitrary, inadequate, and is not based on resolving the actual impacts caused by the Koi project. Here again, Sonoma County may find it necessary to respond anyway

in order to prevent a larger public health or safety crisis to spread beyond the site or to assist visitors to the casino/resort. If Koi declines to provide funds or fails to reach an agreement, then the County and Fire services will be losing tax revenue AND increasing costs directly as a result of the Koi project.

PROPERTY TAX/PROPERTY VALUES

Initially, the FEIS anticipates regional property values may go down but fails to define a geographical area, estimate the reduction in appreciation, or quantify the losses to Sonoma County or homeowners. (FEIS p. ES-18.)

Later, the FEIS claims that Koi's proposed casino will increase property values to those in the immediate vicinity by merely pointing to the general appreciation of home values which is true for the housing market as a whole throughout the entire state of California. (FEIS p. 3-74, lines 31-34.) However, the FEIS does not provide concrete data to show that the markets near existing casinos mentioned have seen property values appreciate generally or whether the appreciation aligns with that in similar neighborhoods that reflect those markets before the nearby casino's were present.

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Based on the foregoing, the BIA and DOI should reject the fee-to-trust application for the Koi Nation at 222 E. Shiloh Road in Santa Rosa, CA.

Respectfully,

Dawn Gonzalez

December 22, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

I am a Sonoma County resident and I oppose the Koi Nation's proposed fee-to-trust transfer of unincorporated land adjacent to the Town of Windsor for a hotel and casino gaming project. The draft environmental impact statement (DEIS) does not adequately address the significant impacts this project will have on Sonoma County if it is approved.

Sonoma County and the Town of Windsor have raised numerous concerns related to water supply, wastewater, traffic, wildfire risk and evacuation routes, law enforcement and public safety, and housing and other economic impacts. The five federally recognized Sonoma County tribes have also highlighted the impacts on them and their cultural resources. Many of the mitigation measures in the DEIS are framed as best management practices, but there is no guarantee that they will occur. I am very concerned that the Bureau of Indian Affairs (BIA) is rushing this process, has not adequately considered the local environmental impacts, and cannot guarantee or enforce the mitigation that is proposed.

This project is not right for Sonoma County. The BIA should *not* be taking land into trust for the Koi Nation's gaming project outside of its Lake County homeland. BIA must respect the sovereignty and ancestral territory of Sonoma County tribes. BIA should also respect the concerns of Sonoma County residents. This project will have significant environmental impacts and the only way to avoid them is for the BIA to approve the environmentally preferred "no project" alternative in the DEIS.

Sincerely,



Curtis Michelini, Sr.
4188 Pine Ridge Dr.
Santa Rosa, CA 95409

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Sincerely,



Chirleen Michelini
4188 Pine Ridge Dr.
Santa Rosa, CA 95409

December 22, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke:

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Sincerely,



Charles Hardin, Sr.
7681 Averill Rd.
Sebastopol, CA 95472

December 22, 2024

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

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Sincerely,



Mark Stokes
311 Haverfield Ln.
Santa Rosa, CA 94952

December 22, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

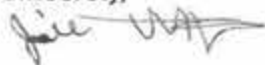
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Sincerely,



Jill Urquhart
1125 Evans Dr.
Santa Rosa, CA 95405

December 22, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

Dear Regional Director Dutschke,

The Koi Nation wants the Bureau of Indian Affairs to take land into trust in Windsor, CA, to build a casino resort. I am a Tribal Citizen of the Federated Indians of Graton Rancheria (FIGR) and resident of Sonoma County. I strongly oppose this project.

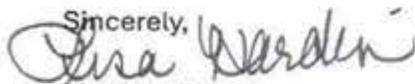
FIGR family histories and our cultural traditions clearly show that the proposed project location is in Southern Pomo territory. The Koi Nation, whose historic and ancestral territory is in Lake County, has no right to claim this land. Their customs and language are different from those of our Southern Pomo ancestors. Their ancestral territory is more than a 50-mile drive from the site they claim in Windsor. Although Southern Pomo people may have engaged in trade with Koi Nation ancestors, this does *not* mean they can now claim our land.

If the Bureau of Indian Affairs approves this casino project in Southern Pomo territory, it would set a terrible precedent for all California Indians and significantly impact my Tribe and the cultural resources of Southern Pomo people. It would mean that any tribe could claim lands far from their historic territories, which would threaten our current sovereignty and cut off access to our cultural resources. The Koi Nation's claim that they have a significant historical connection to our Southern Pomo land threatens our cultural resources at the same time the Koi Nation is fighting to protect their cultural resources in Lake County.

The Bureau of Indian Affairs must respect the aboriginal territory of California tribes, who were not removed but were decimated in place. In the early 1900s, the federal government set aside land for our ancestors, the Coast Miwok and Southern Pomo people of Sonoma County. We, the survivors of historic genocide, were recognized as a sovereign nation. This land was lost, but in the year 2000 we were able to re-establish our reservation within Southern Pomo ancestral territory, only seven miles from our original reservation.

My Tribe followed the rules. Koi Nation must do the same for the good of all American Indian people.

Sincerely,



Lisa Hardin
311 Haverfield Ln.
Petaluma, CA 94952

December 22, 2024

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

Subject: EIS Comments, Koi Nation Shiloh Resort and Casino

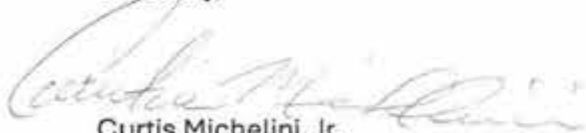
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Curtis Michelini, Jr.
554 Natalino Ct.
Santa Rosa, CA 95407

December 22, 2024

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

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Maria Elena Romero
844 Lilac Way
Rohnert Park, CA 94928

December 22, 2024

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

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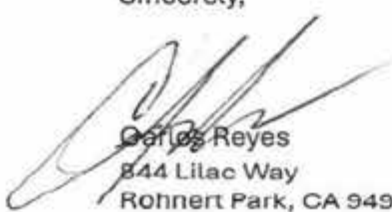
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Carlos Reyes
844 Lilac Way
Rohnert Park, CA 94928

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Ignacio Barajas
P. O. Box 742
Windsor, CA 95492

December 22, 2024

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Manuel Mosher
P. O. Box 742
Windsor, CA 95492

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Elyana Aronow
554 Natalino Ct.
Santa Rosa, CA 95407

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